

OUTREACH MEETING DISCUSSION SUMMARY

MEETING DATE APRIL 9, 2010

County Staff in attendance: Betsy Smith, Deputy Director, Permitting and Development Review
Bryon Mitchell, Manager, Office of Life Safety
Sharon Goetz, Manager of Permitting Services
Larry Willard, Chief Plumbing Inspector
John Picco, Chief, Plan Review
Pamela Moulton, Customer Service Supervisor
Kathy Hall, Engineer, Development Review
Mike Hammond, Building Inspector
Lisa Orr, Program Coordinator, Office of Environmental Sustainability
Emily Roche, Administrative Specialist

This Permitting Outreach Meeting continued to focus primarily on Frederick County Code Updates. Several informational handouts were distributed and are available following this summary.

Agenda items discussed:

➤ Stormwater Regulations Update

- Development Review is expecting the Board of County Commissioners to adopt the changes to the Stormwater Management Ordinance. The Commissioners are to meet on April 20, 2010 at 7pm to discuss the draft.
- Questions arose regarding "Grandfathering"- at this time we are not sure if the BOCC will adopt "Grandfathering" into the ordinance.
- Development Review Outreach meeting will be held on Friday, April 23rd at 9am in the basement meeting room , Division of Permitting and Development Review, at 30 North Market Street- more discussion will occur at this meeting as well as the outcome of the Board of County Commissioners work session.
- A May 4 Worksession is scheduled for the decision on the revisions to the Frederick County Code to comply with State regs.
- To view the Stormwater Management Draft
 - ❖ <http://www.frederickcountymd.gov/index.aspx?NID=3201>

➤ Frederick County Code Adoption Update

- The proposed amendments to the IBC, IRC and IPC were presented to the County Attorney on March 1, 2010; with an adoption date of 7/1/2010. Frederick County is on track for the proposed adoption deadline.

- The Code Adoption process has been taking place since October 2009. Currently no public recommendations for changes have been submitted. If you have any recommendations, forward to Bryon Mitchell as soon as possible.
- Frederick County Permits & Inspections will go before the Board of County Commissioners on April 27th with a work session and a Public Hearing is scheduled for May 18th.
- The main objective was to make the code more “pure”- Frederick County has deleted many of the past and previous code amendments to reach this objective.
- Plumbing Code- Most of the changes to the plumbing code are administrative.
- Electrical Code- All of the changes to the Electrical Code are administrative.
- Please visit our website to view other useful information regarding Code Updates:
<http://www.FrederickCountyMD.gov/permit>.

➤ Building Board of Appeals

- Frederick County Building Code requires Frederick County to have a process in place when the need arises to challenge a decision made by the Building Official. We recognize a need to have this process in place.
- Permits & Inspections is proposing a 5 member Board (no county employees). The candidates should be in the construction/ building field.
- The Board will work with Permits & Inspections, however; Permits will be hands off with respect to the Boards’ decisions.
- This is not a paid position.
- We are in the preliminary period of creating this board. The Board of Building Appeals will be similar to other County Boards. Currently, there is no set timeframe for developing this Board; it is proposed to be established sooner than later.

➤ New Insulation Inspection

- State of Maryland’s adoption of the International Energy Conservation Code (IECC) has mandated Frederick County to require INSULATION inspections.
- The International Energy Conservation Code has mandated Insulation inspections in an effort to address energy conservation requirements, to be energy efficient and to optimize the use of fossil fuels and depletable and nondepletable resources.
- This inspection will be a new inspection required by Frederick County. Currently after electrical and plumbing rough- in inspections the building framing inspection is done. The insulation inspection will minimally affect this sequence of inspections. Please see handout pertaining to the revised sequence of inspections.
- The effective date of this new requirement will be July 1, 2010.
- Frederick County Inspectors will begin enforcing the new requirement beginning September 1, 2010.

- Contact David Doyle, Chief Building Inspector, with any questions or concerns regarding Insulation Inspections.
- Sustainability (Green!) Trainings & Events
 - Lisa Orr, Program Coordinator for the Frederick County Office of Environmental Sustainability, presented several informative trainings and events that are occurring locally.
 - The main objective of the Office of Environmental Sustainability is to coordinate with County departments, businesses, residents, and other organizations to advance practices, policies, and partnerships that protect and restore our critical natural resources, minimizing the environmental impact of the built environment, reduce overall energy consumption, and strengthen the social and economic health of the county.
 - The Office of Sustainability is partnering with Allegheny Power to offer free home energy audits. (see attached handout).
- Open discussion of other topics

There were no other comments or other discussion items.

Please note: This ends the published discussion summary, which may not include all discussion that occurred. It is not intended to be actual minutes of the meeting.

outreach meeting discussion summary April 2010/emr



PERMITTING AND DEVELOPMENT REVIEW DIVISION
FREDERICK COUNTY, MARYLAND

Department of Permits and Inspections

30 North Market Street • Frederick, Maryland 21701

Phone (301) 600-2313 • Fax (301) 600-2309

PERMITTING OUTREACH MEETING

NUMBER 26

April 9, 2010 @ 9:00am

DPDR Meeting Room, Lower Level

30 North Market Street

AGENDA

- I. Introductions
- II. Stormwater Regulations Update
- III. Frederick County Codes Adoption Update
Codes scheduled for adoption of the 2009 version:
 - ❖ IBC – International Building Code
 - ❖ IRC – International Residential Code
 - ❖ IPC – International Plumbing Code

Also included are proposed revisions to the Frederick County Electrical Ordinance. The revised sections of the Ordinance do not pertain to the currently adopted 2008 NEC; these sections of the ordinance pertain to licensing of Electricians, the homeowner electrical exam, the Electrical Board, permits, and other administrative actions.

- IV. Building Board of Appeals
- V. New Insulation Inspection
- VI. Sustainability (Green!) Trainings & Events
- VII. Open discussion of other topics

To propose topics of discussion for future Permitting Outreach Meetings, contact Sharon Goetz at SGoetz@FrederickCountyMD.gov.

****Next Meeting Date: June 4, 2010****

Remaining 2010 Meeting Schedule

June 4, 2010

August 6, 2010

October 1, 2010

December 3, 2010

Please note that Permitting Outreach meetings are held every other month on the first Friday of the month at 9:00AM, unless a holiday falls on that date. In 2010, the first Friday in April is a County holiday (Good Friday), so the meeting will be held the following Friday instead.

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CHAPTER 1-6: BUILDINGS

ARTICLE II: BUILDING CODE

§ 1-6-16. ADOPTED.

The Board of County Commissioners hereby adopts the International Building Code, 2006 2009 Edition and the International Code-Residential Code, 2006-2009 Edition, including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07), and subject to the local amendments described below in § 1-6-18A and § 1-6-18B.

§ 1-6-17. REVISIONS.

(A) Substitute "Frederick County" for the phrase "Name of Jurisdiction" wherever it appears in the Building Code.

(B) Substitute "Board of County Commissioners of Frederick County, Maryland" for phrases "appointing authority," "chief appointing authority," and "chief authority" wherever they appear in the Building Code.

(C) Substitute "~~Director of the Department of Permits and Inspections~~ FREDERICK COUNTY DIVISION OF PERMITTING AND DEVELOPMENT REVIEW OR AUTHORIZED AGENT" for the term "building official" OR "CODE OFFICIAL" wherever it appears in the Building Code.

(D) Substitute "Department of Permits and Inspections" for the term "Department of Building Safety" wherever it appears in the Building Code.

§ 1-6-18A. LOCAL AMENDMENTS TO INTERNATIONAL BUILDING CODE.

The International Building Code, 2006- 2009 Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended as described and shown below.

Subsection 101.2 is hereby amended by adding the following exception:

Exception 2: Agricultural Buildings. The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings. This provision does not exempt the owner from obtaining required electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws, and ordinances. An "agricultural building" for purposes of this

EXHIBIT A

subsection means a building or structure utilized for agricultural activity as defined in the Frederick County Zoning Ordinance.

Subsection 101.2.1, Appendices, is hereby amended with the addition of the following language:

Provisions in the appendices shall not apply unless specifically adopted. THE FOLLOWING APPENDICES ARE ADOPTED IN THEIR ENTIRETY:

APPENDIX C, GROUP U, AGRICULTURAL BUILDINGS

APPENDIX F, RODENT PROOFING

APPENDIX G, FLOOD RESISTANT CONSTRUCTION

APPENDIX H, SIGNS

APPENDIX I, PATIO COVERS

Explanatory Note: The text added above has been moved from the end of this section.

~~— Subsection 101.4.1 is hereby amended to read as follows:~~

~~— 101.4.1 Electrical. The provisions of the Frederick County Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.~~

~~*Subsection 101.4.4-101.4.3 is hereby amended to read as follows:*~~

~~101.4.4-101.4.3 Plumbing. The provisions of the Frederick County Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, and where connected to a water or sewage system and as aspects of a medical gas system. The provisions of the Frederick County Plumbing Code shall apply to private sewage disposal systems.~~

SUBSECTION 101.4.7 IS HEREBY ADDED TO READ AS FOLLOWS:

101.4.7 ELECTRICAL. THE PROVISIONS OF THE FREDERICK COUNTY ELECTRICAL CODE SHALL APPLY TO THE INSTALLATION OF ELECTRICAL SYSTEMS, INCLUDING ALTERATIONS, REPAIRS, REPLACEMENT, EQUIPMENT, APPLIANCES, FIXTURES, FITTINGS AND APPURTENANCES THERETO.

Subsection 105.2 is hereby modified to read as follows:

105.2 Work exempt from permit.

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Building:

1. One-story detached accessory structures WITH EAVE HEIGHTS LESS THAN 10 FEET, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 150 square feet.

[Items 2 – 13 unchanged]

Subsection 105.3.1 is hereby amended to read as follows:

105.3.1 Action on application. The ~~building official~~ AUTHORIZED AGENT shall examine or cause to be examined applications for permits and ~~amendments~~ REVISIONS thereto within a reasonable time after filing by routing the application to appropriate agencies and departments for their review. If the application or the construction documents do not conform to the requirements of pertinent laws, the ~~building official~~ AUTHORIZED AGENT shall reject such application in writing, stating the reasons therefore. If the ~~building official~~ and the reviewing agencies and departments are satisfied that the proposed work conforms to the requirements of this code, ~~and laws and ordinances applicable thereto~~, the AUTHORIZED AGENT ~~building official~~ shall issue a permit therefore as soon as practicable.

Subsection 105.3.2. is hereby amended to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the AUTHORIZED AGENT ~~building official~~ is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subsection 105.5 is hereby amended to read as follows:

Expiration. Every permit issued shall expire one year from the date of issuance unless the final building inspection has been approved, or an extension has been granted. The building official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of the permit, provided that work on the site authorized by such permit is commenced within (one) 1 year of permit issuance. Commencement of work is evidenced by the AUTHORIZED AGENT'S ~~building official's~~ approval of the first required building inspection. The extensions shall be requested in writing and justifiable cause demonstrated.

Subsection ~~107.1~~ 108.1 is hereby amended to read as follows:

~~107.1~~ 108.1 General. The AUTHORIZED AGENT ~~building official~~ is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 1 year.

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SUBSECTION 111.2 IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

111.2 CERTIFICATE ISSUED. WHEN A STRUCTURE IS ENTITLED THERETO, THE AUTHORIZED AGENT SHALL ISSUE A CERTIFICATE OF OCCUPANCY UPON COMPLETION OF THE FINAL INSPECTIONS IN ACCORDANCE WITH SECTION 110.3.10, CORRECTION OF THE VIOLATIONS AND DISCREPANCIES, AND APPROVAL FOR OCCUPANCY IS GIVEN FROM THE DEPARTMENTS AND AGENCIES THAT GAVE APPROVALS FOR THE ISSUANCE OF THE ZONING CERTIFICATE/BUILDING PERMIT.

Subsection ~~111.4~~ 112.4 is hereby amended ADDED to read as follows:

~~111.4~~ 112.4 Service connections. Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections ~~within~~ TO the structure such as water, electric, gas, sewer and other connections.

Subsection ~~111.5~~ 112.5 is hereby amended ADDED to read as follows:

~~111.5~~ 112.5 Notice to adjoining owners. Written notice shall be given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, prior to the removal of a building or structure.

Subsection ~~112.4~~ 113.4 is hereby created to read as following:

~~112.4~~ 113.4 Appeals. Any party aggrieved by a decision of the Board of Appeals shall have the right to appeal an adverse decision to the Board of County Commissioners.

Subsection 308.5.2, Child care facility - The exception is hereby deleted and replaced with the following.

Exception: A child day care facility that provides for more than five but no more than 49 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of the exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Subsection 507.3, Sprinklered, one story, is hereby amended to read as follows:

The area of a one-story, Group B, F, M, or S building, of Type I or II construction, shall not be limited when the building is provided with automatic sprinkler systems throughout in accordance with Section 903.1.1 and is surrounded and adjoined by public ways or yards not less than 60 feet in width. (Note: Exceptions for Section 507.3 are unchanged from the IBC).

SUBSECTION 703.6(3) IS HEREBY AMENDED TO READ AS FOLLOWS:

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INCLUDE LETTERING NOT LESS THAN 3" IN HEIGHT, INCORPORATING THE SUGGESTED WORDING: "FIRE AND/OR SMOKE BARRIER – PROTECT ALL OPENINGS" OR OTHER SIMILAR WORDING.

Explanatory Note: The revisions in subsection 703.6(3) were made to be consistent with the upcoming revisions in the next edition of the IBC. Also, the current requirement of ½" letters is far too small to be effectively read from a distance.

Subsection ~~708.1~~709.1, General, is hereby amended to read as follows:

7.6. Walls separating other tenant spaces shall be constructed at a minimum as fire partitions in accordance with Section ~~708~~ 709. Exception: In fully sprinklered buildings, openings in corridor walls are not required to be protected.

~~Subsection 903.2.7, Group R, is hereby deleted and replaced with the following:~~

~~Approved automatic sprinkler systems in accordance with 903.3 shall be provided throughout all buildings with a Group R fire area and as required by the Frederick County Sprinkler Ordinance (No. 06-26-422).~~

Explanatory Note: This amendment is not necessary under the current provisions of the IBC.

Subsection ~~903.2.8~~903.2.9, Group S-1, is hereby amended by adding a new subparagraph 4 as follows:

4.5. Throughout all mini storage buildings WITH FIRE areas greater than 2500 square feet in area.

Explanatory Note: This revision is consistent with revisions to NFPA #1, the Fire Code.

Subsection 903.4.3, Floor control valves, is hereby amended to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi-story buildings. Each floor of a building shall be zoned separately with maximum zone sizes in accordance with the provisions of NFPA #13. Fire alarm zones shall coincide with sprinkler system zones.

Subsection 905.2, Installation standards, is hereby amended to add two exceptions as follows:

Exceptions:

(1) The residual pressure requirements from an automatic water supply are not required in buildings equipped throughout with an approved automatic sprinkler system and where the highest floor level is not more than 75 feet above the lowest level of the Fire Department access. Pipe sizes shall be hydraulically calculated based on maintaining a residual pressure of 100 psi flowing 500 gpm at the hydraulically most remote hose outlet based on a pressure of 150 psi

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available at the Fire Department connection. An additional 250 gpm shall be added at the point of connection for each additional riser up to a maximum of 1250 gpm. The minimum riser pipe size shall be 4" nominal diameter.

(2) All Class I standpipes shall have a minimum size hose connection of 2½" and shall be equipped with a 1½" reducing adapter.

Subsection 905.4, Location of Class I standpipe hose – connection, is hereby amended and modified to read as follows:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at the level of stair entry.

Subsection ~~907.8907.6.3~~ is hereby amended to read as follows:

907.8907.6.3 Zones. Each floor shall be zoned separately. Where the building is not protected throughout by an automatic sprinkler system in accordance with Section 903, a zone shall not exceed 22,500 square feet (2090 m²) and the length of any zone shall not exceed 300 feet (91440 mm) in any direction. Where the building is protected by an automatic sprinkler system in accordance with Section 903, the area of the fire alarm zone shall coincide with the allowable area of the sprinkler system.

Delete exception.

Subsection ~~1008.1.8.3~~ 1008.1.9.3, Locks and latches - subparagraph 2 is hereby amended as follows:

2. In buildings in Occupancy Group A having an occupant load of 99 or less, Groups B, F, M and S, and in places of religious worship, the main exterior door or doors are permitted to be equipped with locks from the egress side provided:

2.1. The locks, if provided, shall not require the use of a key, a tool, special knowledge, or effort for operation from the egress side.

2.2 [deleted]

2.3. [deleted]

Subsection ~~1024.5.2~~ 1027.5.2, Constructions and openings, is hereby deleted and replaced with the following:

Where an egress court serving a building or portion thereof is less than 10 feet (3048 mm) in width, all egress court enclosure walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet (3048 mm) above the floor of the court. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than ¾ hour.

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(Exceptions 1. and 2. remain unchanged.)

~~Subsection 1025.21028.2~~, Assembly main exit is hereby deleted and replaced with the following:

Group A occupancies consisting of bars with live entertainment, dance halls, discotheques, nightclubs, and assembly occupancies with festival seating, that have an occupancy load of greater than 50 shall be provided with a main exit. The main exit shall be of sufficient width to accommodate not less than two thirds (2/3) of the occupant load, but such width shall not be less than the total required width of all means of egress leading to the exit. In assembly occupancies, other than those listed above, the main entrance/exit shall be a width that accommodates one-half of the total occupant load. Where the building is classified as a Group A occupancy, the main exit shall front on at least one street or an unoccupied space of not less than 10 feet (3048 mm) in width that adjoins a street or public way. (The exception remains unchanged)

Chapter 11, Accessibility, is hereby deleted in its entirety and the following is adopted

CHAPTER 11. ACCESSIBILITY. THE PROVISIONS OF IBC CHAPTER 11 SHALL APPLY TO ALL MATTERS AFFECTING THE DESIGN AND CONSTRUCTION OF FACILITIES FOR ACCESSIBILITY TO PHYSICALLY DISABLED PERSONS EXCEPT WHERE THE PROVISIONS OF COMAR SECTION 05-02.02, THE MARYLAND ACCESSIBILITY CODE, ARE MORE STRINGENT IN WHICH CASE THEY SHALL APPLY.

Explanatory Note: These revisions were made to ensure that the most stringent requirements are applicable in regard to handicapped accessibility.

~~Subsection 1405.12.2, Window sills, is hereby amended by adding a new exception No. 3:~~

~~3. Windows with sash stops that will engage automatically so as not to allow a 4" diameter (102 mm) sphere to pass through the window opening and that shall readily manually disengage so as to allow emergency egress, ventilation or other occupant needs.~~

Explanatory Note: The provisions of the current IBC make this amendment unnecessary.

~~Subsection 1607.11.2 is hereby amended by adding the following:~~

~~1607.11.2 ... In no case shall the design live load of any roof be less than thirty (30) P.S.F. (pounds per square foot) or forty (40) lb. ground snow load P.S.F.~~

SUBSECTION 1607.11.2 IS HEREBY AMENDED BY ADDING THE FOLLOWING:

1607.11.2 ... THE DESIGN ROOF LOAD OF ANY ROOF SHALL BE THIRTY (30) PSF OR GREATER FOR GROUND SNOW LOAD EXCEPT AS REQUIRED BY FIGURE 1608.2

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Explanatory Note: The requirements of the previous local amendment were too restrictive and adequate safety factors were accounted for in the IBC. The 30 PSF requirement was chosen for the proposed amendment to obtain a design that would be consistent with the vast majority of areas in the County. Frederick County falls into three different zones in regard to ground snow load with the vast majority falling into two zones. For consistency and simplicity we are proposing using the higher of those two figures which will cover the overwhelming bulk of all applications. For a structure built on a datum elevation in excess of 900 feet the requirements of Figure 1608.2 would apply.

Subsection ~~1805.2.1~~ 1809.5, Frost protection - Exception 2, is hereby amended as follows:

2. Area of 400 square feet or less; and

Chapters 27, 29 and 30 of the International Building Code, 2006-2009 Edition are hereby deleted in their entireties.

Electrical components, equipment and systems used in buildings and structures shall be designed and constructed in accordance with the Frederick County Electrical Code (Chapter 1-7, Article III of the Frederick County Code).

The provisions of the International Plumbing Code, as adopted by Frederick County (Chapter 1-14, Article IV of the Frederick County Code), shall govern the erection, installation, alteration, repairs, relocation, replacement addition to, use or maintenance of plumbing equipment and systems.

Subsection 3107.0 is hereby adopted to read as follows:

3107.0 Signs. All signs shall comply with the requirements of the Frederick County Zoning Ordinance.

Subsection 3401.1 is hereby deleted in its entirety.

The alteration, repair, addition and change of occupancy of existing structures in Frederick County shall be governed by the Maryland Building Rehabilitation Code (INTERNATIONAL EXISTING BUILDING CODE), adopted under the authority of the State of Maryland, Department of Housing and Community Development, Article 83b, subsection 6-503, Annotated Code of Maryland (COMAR 05.16).

Explanatory Note: The change above was made to affirm that the Maryland Rehabilitation Code uses the IEBC as its controlling document.

~~—Appendix C, Group U, Agricultural buildings, is hereby adopted in its entirety.~~

~~—Appendix F, Rodent Proofing, is hereby adopted in its entirety.~~

~~—Appendix G, Flood resistant construction, is hereby adopted in its entirety.~~

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~~Appendix H, Signs, is hereby adopted in its entirety.~~

~~Appendix I, Patio Covers, is hereby adopted in its entirety.~~

§ 1-6-18B. LOCAL AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.

The Board of County Commissioners hereby adopts the International Residential Code, 2006 2009 Edition including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) with the amendments described and shown below.

SUBSECTION R102.7.1 IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

THE ALTERATION, REPAIR, ADDITION AND CHANGE OF OCCUPANCY OF EXISTING STRUCTURES IN FREDERICK COUNTY SHALL BE GOVERNED BY THE MARYLAND BUILDING REHABILITATION CODE (INTERNATIONAL EXISTING BUILDING CODE) ADOPTED UNDER THE AUTHORITY OF THE STATE OF MARYLAND, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, ARTICLE 83B, SUBSECTION 6-503, ANNOTATED CODE OF MARYLAND (COMAR 05.16)

Explanatory Note: The change above was made to be consistent with the IBC and to affirm that the Maryland Rehabilitation Code uses the IEBC as its controlling document.

Subsection R105.2, Work exempt from permit – BUILDING Subparagraph 1 is hereby deleted and replaced with the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 square feet.

SUBSECTION R105.2, WORK EXEMPT FROM A PERMIT – BUILDING SUBPARAGRAPH 10 IS AMENDED AS FOLLOWS:

REPLACE 200 SQ. FT WITH 150 SQ. FT.

SUBSECTION R105.2 IS HEREBY AMENDED TO ADD THE FOLLOWING:

R105.2 (11) AGRICULTURAL BUILDINGS. THE PROVISIONS OF THIS CODE SHALL NOT APPLY TO THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION OR MAINTENANCE OF AGRICULTURAL BUILDINGS. THIS PROVISION DOES NOT EXEMPT THE OWNER FROM OBTAINING REQUIRED ELECTRICAL OR PLUMBING PERMITS, NOR FROM COMPLYING WITH ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS, LAWS, AND ORDINANCES. AN "AGRICULTURAL BUILDING" FOR PURPOSES OF THIS

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SUBSECTION MEANS A BUILDING OR STRUCTURE UTILIZED FOR AGRICULTURAL ACTIVITY AS DEFINED IN THE FREDERICK COUNTY ZONING ORDINANCE.

SUBSECTION R105.2 ELECTRICAL SUBSECTION EXEMPTION #4 IS DELETED IN ITS ENTIRETY

Explanatory Note: To ensure the overall safety of the home and its occupants, the installation of low voltage wiring should not be exempt from the permit, and especially the inspection, processes.

SUBSECTION R105.3.1.1 IS HEREBY DELETED IN ITS ENTIRETY.

Explanatory Note: R105.3.1.1 is a new section in the IRC that requires a determination of substantially damaged existing buildings in flood hazard areas. One of the provisions requires that a finding be prepared in regard to the value of the proposed work including costs to repair the building to its pre-damaged condition. DPDR does not have the resources to know the pre-existing condition of every structure in the County that is built in the flood plain. This operation is beyond the scope of the Department of Permits and Inspections' authority and may be more suited to be within the function of the Zoning authority.

Subsection R105.5 - Expiration is hereby deleted and replaced with the following:

R105.5 Expiration. Every permit issued shall expire one year from the date of issuance unless the final building inspection has been approved, or an extension has been granted. The building official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of the permit, provided that work on the site authorized by such permit is commenced within (one) 1 year of permit issuance. Commencement of work is evidenced by the building official's approval of the first required building inspection. The extension shall be requested in writing and justifiable cause demonstrated.

IRC Chapter 2. Definitions

The following new definition is hereby added:

Mobile home. A transportable structure built prior to June 15, 1976, otherwise meeting the same dimensional limits as used to describe a manufactured home.

The definition of manufactured home is hereby modified by adding the following language to the end of the definition:

All manufactured/mobile homes designed and built solely for residential purposes or human habitation must bear a HUD label certifying compliance with the federal standards. Non-labeled manufactured homes and mobile homes shall be prohibited from being relocated into Frederick County.

Table R301.2(1) is to be filled in as follows:

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Ground Snow Load (pounds per square foot) = 40 psf 30 PSF EXCEPT AS REQUIRED BY FIGURE R301.2 (5)

Explanatory Note: The requirements of the previous local amendment were too restrictive and adequate safety factors were accounted for in the IRC. The 30 PSF requirement was chosen for the proposed amendment to obtain a design that would be consistent with the vast majority of areas in the County. See further explanation given for this subject under IBC §1607.11.2 above.

Wind Speed 90 (MPH)

TOPOGRAPHIC EFFECTS = NO

Seismic Design Category = B

Subject to damage from

Weathering = Severe

Frost Line Depth = 30 inches

Termite = Yes (moderate/heavy)

Winter Design Temp. = 12 deg. F

Table R301.2(1) is hereby modified by the addition of the following:

Ice shield underlayment requirement = Yes

Flood hazard = As determined by Division of Planning and Zoning

Air freezing index = Greater than 1,500

Mean annual temperature = 52 degrees Fahrenheit

Subsection R305.1, Minimum height ~~A new exception No. 4 is hereby added as follows:~~

~~4. Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2036 mm) at the center of the front clearance area for fixtures as shown in Figure R307.1. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2036 mm) above a minimum area of 30 inches (762 mm) by 30 inches (762 mm) at the showerhead. Where there is a tub, the minimum ceiling height of 6 feet 8 inches (2036 mm) shall apply to the entire fixture.~~

Explanatory Note: The provisions of the current IRC make this amendment unnecessary.

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~~Subsection R309.4~~ R309.2 Carports. Exception is deleted in its entirety.

Subsection R310.1 is hereby amended by changing the first sentence to read as follows, and adding an exception:

~~R310.1 Emergency escape and rescue required. All new basements with habitable, occupiable, or sleeping space shall have at least one openable emergency and rescue window or exterior door opening for emergency escape and rescue. If the basement includes sleeping rooms, each sleeping room must have at least one openable emergency and rescue window or exterior door opening for emergency escape and rescue.~~

Explanatory Note: Staff determined that requiring operable emergency openings in occupiable spaces (clear height of 5 to 7 feet) such as crawl spaces was unreasonable.

Subsection R311.4.3, Landings at doors — Exceptions 2 and 3 are hereby amended to replace text "7 3/4 inches (196 mm)" with text "8 1/4 inches".

Explanatory Note: This change was made to be consistent with the changes to the IRC adopted by the State of Maryland.

~~Subsection R312.2, Guard Opening Limitations — The first sentence is hereby modified to read as follows:~~

~~Required guards on open sides of stairways, raised floor areas, balconies, and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102 mm) or more in diameter. Guards shall not have an ornamental pattern that would provide or create a ladder effect.~~

~~Subsection R312.2 — Exception 2 is hereby deleted in its entirety.~~

Explanatory Note: Based upon a interpretation from ICC, this amendment was found to be inconsistent with the intent of the IRC.

SECTION R313 IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

SECTION R313 APPROVED AUTOMATIC SPRINKLER SYSTEMS IN ACCORDANCE WITH 903.3 SHALL BE PROVIDED THROUGHOUT ALL RESIDENTIAL OCCUPANCIES AS REQUIRED BY THE FREDERICK COUNTY SPRINKLER ORDINANCE (NO. 06-26-422)

Explanatory Note: This change is proposed to resolve inconsistencies between the IRC requirements and the NFPA standards.

SECTION R319 IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

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SECTION R319 SITE ADDRESS AND PREMISES IDENTIFICATION SHALL BE IN ACCORDANCE WITH THE FREDERICK COUNTY ADDRESS ORDINANCE NO. 05-01-362.

Explanatory Note: This change is proposed to resolve inconsistencies between the IRC requirements and the standards in the County's addressing ordinance.

Subsection R403.1.4.1, Frost Protection - The exceptions are deleted and amended to read as follows:

1. Freestanding accessory storage structures with an area of at least 150 square feet but less than ~~400~~401 square feet, and an eave height of not more than 10 feet (3048 mm) shall not be required to be protected, but structures that are less than ~~400~~401 square feet must be provided with a minimum of 4 permanent tie-downs that are designed to withstand the applicable wind load requirements according to the adopted building code.

2. Decks not supported by a dwelling will require footings according to the building code unless joist members are in direct contact with the earth.

3. Structures with an area ~~400~~401 square feet or more will require permanent footings and/or foundations according to the applicable sections of the building code.

~~Subsection R403.3, Frost-protected shallow foundations, is hereby deleted in its entirety.~~

Explanatory Note: This amendment is too restrictive and inconsistent with the intent of the IRC.

~~Tables R404.1(1), R404.1(2) and R404.1(3) are deleted in their entireties.~~

~~Subsection R404.1 is hereby deleted and replaced with the following text:~~

~~R404.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318, ACI 332 or ACI 530/ASCE 5/TMS 402 or the provisions of Section R404 are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.~~

Explanatory Note: The provisions of the current IRC make this amendment unnecessary.

Subsection R405.1, Concrete or masonry foundation - The following language shall be added to the end of the exception:

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Or as otherwise approved in accordance with the Catocin and Frederick Soil Conservation District Maps (issued May 1985 2001, as amended).

~~R613.2. Window sills~~ A new exception No. 3 is hereby added as follows:

~~3. Windows with sash stops that will engage automatically so as not to allow a 4" diameter (102 mm) sphere to pass through the window opening and that shall readily manually disengage so as to allow emergency egress, ventilation or other occupant needs.~~

Explanatory Note: The provisions of the current IRC make this amendment unnecessary.

R807.1 ATTIC ACCESS IS HEREBY AMENDED TO ADD THE FOLLOWING:

WHERE AIR-HANDLING UNITS OR WATER HEATERS ARE INSTALLED IN ATTICS IN RESIDENTIAL STRUCTURES, ACCESS TO THE ATTIC OPENING SHALL BE PROVIDED BY A PERMANENT OR PULL-DOWN STAIRWAY IN ALL NEW CONSTRUCTION.

Explanatory Note: This change was made to be consistent with the changes to the IRC adopted by the State of Maryland.

IRC CHAPTER 11 IS HEREBY DELETED IN ITS ENTIRETY. THE PROVISIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE 2009, SHALL GOVERN THE DESIGN AND CONSTRUCTION OF BUILDINGS IN REGARD TO ENERGY EFFICIENCY.

Explanatory Note: This change was made to be consistent with the changes to the IRC adopted by the State of Maryland.

IRC Chapters 12 — ~~24~~ 23 are hereby deleted in their entirety. Regulation of the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions within the building shall be installed according to the International Mechanical Code ~~2006~~ 2009 or the Mechanical Code adopted pursuant to the provisions of Md. Code Ann., Business Regulations Article, § 9A-205.

IRC CHAPTER 24 IS HEREBY DELETED IN ITS ENTIRETY. THE PROVISIONS OF THE INTERNATIONAL FUEL GAS CODE 2009, SHALL GOVERN THE ERECTION, INSTALLATION, ALTERATION, REPAIRS, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF FUEL GAS EQUIPMENT AND SYSTEMS.

Explanatory Note: This change was made to be consistent with the remainder of the MEP Trade Codes.

IRC Chapters 25 — ~~32~~ 33 are hereby deleted in their entirety. The provisions of the International Plumbing Code, as adopted by Frederick County, shall govern the erection,

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installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems.

IRC Chapters ~~3334~~ —~~42-43~~ are hereby deleted in their entirety. Electrical components, equipment and systems used in buildings and structures shall be designed and constructed in accordance with the Frederick County Electrical Code.

IRC Chapter ~~4344~~ - Standards listed in this chapter shall be considered part of the requirements of this code. Where differences occur between provisions of this code and the referenced standard, the provisions of this code shall apply.

~~IRC Appendix A—Sizing and capacities of gas piping, is hereby adopted in its entirety.~~

Explanatory Note: This change was made because this topic is already covered under the provisions of the International Fuel Gas Code.

~~IRC Appendix B—Sizing of venting systems serving appliances equipped with draft hoods, Category I appliances, and appliances listed for use with Type B vents, is hereby adopted in its entirety.~~

Explanatory Note: This change was made because this topic is already covered under the provisions of the International Fuel Gas Code.

~~—IRC Appendix C—Exit terminals of mechanical draft and direct vent venting systems, is hereby adopted in its entirety.~~

Explanatory Note: This change was made because this topic is already covered under the provisions of the International Mechanical Code.

~~—IRC Appendix D—Recommended procedure for safety inspection of an existing appliance installation, is hereby adopted in its entirety.~~

Explanatory Note: This change was made because this function is beyond the authority of DPDR.

IRC Appendix E—Manufactured housing used as dwelling, is hereby adopted with the following amendments:

The definition of manufactured home in Appendix E, AE201 is hereby deleted and replaced with definition of manufactured home in IRC Chapter 2.

Sections AE302, AE303, AE304 are hereby deleted in their entirety and Chapter 1, Administration, as adopted by Frederick County shall govern applications for permits, permit issuance, and fees.

IRC Appendix F, Radon control methods, is hereby adopted, with the following amendments:

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Addition of the following exception:

Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed, or that are passively ventilated in accordance with section R408.2 of this code.

Sections AF103.5.3 and AF103.6.1 are hereby amended to add the following text:

Vent pipe must extend vertically straight through the roof for passive sub-membrane depressurization systems.

Exception: A ~~maximum of two (2)~~ NO SINGLE OFFSET SHALL EXCEED 45 degrees elbows will be allowed to jog the vent pipe around an obstacle.

Explanatory Note: This change was made to allow reasonable flexibility for the installation of passive radon depressurization systems.

~~IRC Appendix G, Swimming pools, spas and hot tubs, is hereby adopted in its entirety.~~

~~IRC Appendix H - Patio covers, is hereby adopted in its entirety.~~

~~IRC Appendix J - Existing buildings and structures, is hereby adopted in its entirety.~~

Explanatory Note: The content of this appendix is already contained in the International Existing Building Code.

~~IRC Appendix K - Sound transmission, is hereby adopted in its entirety.~~

~~IRC Appendix N - Venting methods, is hereby adopted in its entirety.~~

Explanatory Note: The venting requirements shown in this appendix are already contained in the International Plumbing Code.

~~IRC Appendix P - Fire sprinkler system, is hereby adopted in its entirety.~~

Explanatory Note: The content of this appendix is already contained in the Frederick County Sprinkler Ordinance.

§ 1-6-19. SEVERABILITY.

If any clauses, sentences, paragraphs or other parts of the code, or this article or the application thereof to any person or circumstance, shall for any reason, be judged by the court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the code or this article, and that application thereof to any persons or circumstances, which shall be confined in its operation to the clauses, sentences, paragraphs or parts thereof directly involved in the controversy in which the judgment shall have been rendered

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and the persons or circumstances involved. It is hereby declared to be the legislative intent that the code and this article would have been adopted had such invalid provisions not been included.

§ 1-6-20. CIVIL BUILDING INFRACTIONS.

(A) Pursuant to ~~Chapter 634 of the Laws of Maryland 1984, being §2-2-29 of the Frederick County Code~~, any violation of any of the provisions of this entire chapter, which is Chapter 1-6, entitled "Buildings," is a civil infraction and shall be called a civil building infraction. If, after investigation, a civil building infraction is believed to exist, the Frederick County Director of ~~Permits and Inspections~~ PERMITTING AND DEVELOPMENT REVIEW ("DIRECTOR") or his authorized agent shall deliver a citation or warning to the PROPERTY building owner and ANY others responsible for the infraction. If the Director or his authorized agent is unable to locate the owner OR OTHER RESPONSIBLE PERSON personally, the Director or his authorized agent may post the citation or warning in a conspicuous place on the property of the owner and mail a copy of same to the OWNER OR OTHER RESPONSIBLE person, which shall be sufficient for delivery OF THE WARNING OR CITATION under this section.

(B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (1) The name and address of the person charged or warned;
- (2) The nature of the violation;
- (3) The location of the violation;
- (4) The date(s) of the violation;
- (5) The amount or potential amount of the fine assessed;
- (6) The manner, location and time in which the fine may be paid, or violation corrected, if applicable;
- (7) The person's right to stand trial for the violation if applicable;
- (8) A certification by the Director or his authorized agent attesting to the truth of the matters set forth.

(C) Whenever an alleged or possible civil building infraction comes to the attention of the Director of ~~Permits and Inspections~~ OR AUTHORIZED AGENT, the following procedures shall apply:

- (1) The ~~Director of Permits and Inspections~~ DIRECTOR OR AUTHORIZED AGENT will investigate whether an infraction VIOLATION has occurred;

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(2) If the Director OR AUTHORIZED AGENT finds that an ~~infraction~~ VIOLATION has occurred, ~~he will issue a warning~~ WILL BE ISSUED to the person(s) responsible in the form and manner as outlined in this section, with reasonable time stated to abate or to prevent future infractions;

(3) If the infraction continues or is allowed to occur after the reasonable time stated, the Director OR AUTHORIZED AGENT will issue a citation to the person(s) responsible in the form and manner as outlined in this section. Notwithstanding the provision of step (2) above, the Director OR AUTHORIZED AGENT may issue a citation at step (2) without the prior issuance of a warning.

(D) A fine of \$200 SHALL BE ~~is hereby~~ imposed upon any person responsible for EACH a civil building infraction ~~for each violation~~. Each day such violation is ~~permitted to exist~~ shall be considered a separate CIVIL BUILDING infraction. All fines shall be payable to the Treasurer of Frederick County, Maryland, in the office of the DIVISION OF PERMITTING AND DEVELOPMENT REVIEW.

(E) A person who receives a citation may elect to stand trial for the offense by filing with the Director ~~OR of Permits and Inspections~~ AUTHORIZED AGENT a notice of intention to stand trial. The notice shall be DELIVERED TO THE DIRECTOR OR AUTHORIZED AGENT ~~given at least 10 days before the DUE date of FOR~~ payment of the fines as set forth in the citation. Upon receipt of the notice of intention to stand trial, the Director OR AUTHORIZED AGENT shall forward to the District Court of Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the district court for any civil building infractions shall be remitted to the Treasurer of Frederick County, Maryland.

(F) If a person who receives a citation for ~~an~~ A CIVIL BUILDING infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial AT LEAST 10 DAYS PRIOR TO THE PAYMENT DATE, a formal notice of the CIVIL BUILDING infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from THE DATE SPECIFIED ON the notice, the person shall be liable for a fine of \$400 for each infraction. If THE CITATION IS NOT SATISFIED WITHIN 35 DAYS OF THE DATE SPECIFIED ON THE FORMAL NOTICE ~~after 35 days the citation is not satisfied~~, the Director OR AUTHORIZED AGENT may request adjudication of the case through the district court by FOLLOWING APPROPRIATE ~~the filing of civil judgment~~ procedures.

(G) Adjudication of A CIVIL BUILDING ~~an~~ infraction under this subsection is not a criminal conviction, nor does it impose any OF THE civil disabilities ordinarily imposed by a criminal conviction.

(H) In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Code, Art. 23A, §

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3(B)(8) through (15). However, the County Attorney is hereby authorized to prosecute all civil building infractions under this section.

(I) If a person is found by the district court to have committed a civil building infraction, that person shall be liable for the costs of the proceedings in the district court.

(J) Depending on the circumstances of each case and after consultation with the County Attorney, the Director OR AUTHORIZED AGENT has the discretionary authority to reduce or suspend all or a portion of the fine(S) payable through the Permits and Inspections office.

(K) Nothing contained in this section shall prohibit or prevent the Director OR of Permits and Inspections AUTHORIZED AGENT, or anyone else, from seeking other legal remedies, such as injunctions or criminal prosecution.

(L) Provisions of this section are in addition to, not in lieu of, those penalties specified in other sections of this chapter, specifically § 1-6-21.

(M) The fines specified in this section can be modified at any time by resolution of the Board of County Commissioners of Frederick County, after a duly advertised public hearing.

§ 1-6-21. PENALTIES.

Any person, partnership, firm or corporation who directs or knowingly permits any violation of any of the provisions of this article, or any rule or regulation duly promulgated hereunder or who aids or assists therein, either on his own behalf or in the interest of his employer or principal shall, upon conviction thereof by a court of competent jurisdiction be guilty of a misdemeanor punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both, for each separate offense. Every day each violation exists shall constitute a separate offense and be punishable as such.

§ 1-6-22. SAVING CLAUSE.

Nothing in this article shall be construed or held to affect or control any violation of the sections of the Frederick County Code which occurred prior to the enactment of this amending ordinance (Ordinance 89-15-546), or the prosecution of any violation of the previous sections but each violation and prosecution shall be governed by the provisions of the Building Code as it read and was in effect at the time the violation occurred.

§§ 1-6-23 — 1-6-30. RESERVED.

CHAPTER 1-7: ELECTRICITY

ARTICLE I: IN GENERAL

Section

1-7-1 – 1-7-15 Reserved

§§ 1-7-1 – 1-7-15. RESERVED.

ARTICLE II: ELECTRICAL BOARD

Section

1-7-16 Established

1-7-17 Members

1-7-18 Functions

Cross references:

Buildings, see Chapter 1-6

Department of Permits and Inspections, see § 1-2-49 et seq.

Electrical Board, see § 2-6-2

Electrical regulations authorized, see § 2-6-1

§ 1-7-16. ESTABLISHED.

There is hereby established an Electrical Board.

(1959 Code, § 43A-1) (Ord. 76-15-75, 11-15-1976)

§ 1-7-17. MEMBERS.

(A) The Electrical Board shall consist of 5 members appointed by resolution of the Board of County Commissioners. The terms of the members of the first Electrical Board shall be as follows:

— (1) — One member, 1 year;

- ~~— (2) — One member, 2 years;~~
- ~~— (3) — One member, 3 years;~~
- ~~— (4) — One member, 4 years;~~
- ~~— (5) — One member, 5 years.~~

THE BOARD SHALL BE APPOINTED FOR STAGGERED 5 YEAR TERMS OF OFFICE. AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR QUALIFIES AND IS APPOINTED. A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN WILL SERVE ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR QUALIFIES AND IS APPOINTED.

Justification: The current version is confusing because it pertains to the very first Board. The new version is now consistent with the Plumbing Board's.

(B) At least 2 members of the Electrical Board may not be related to, either by blood or marriage, or associated with any person or corporation who is currently doing electrical work in the county or who has done electrical work in the county within the year prior to the member's date of appointment.

(1959 Code, § 43A-1, 43A-2) (Ord. 76-15-75, § I, 11-15-1976)

§ 1-7-18. FUNCTIONS.

The Electrical Board shall advise the Board of County Commissioners and aid in the supervision and enforcement of any rule or regulation adopted pursuant to the authority of Chapter 317 of the Laws of Maryland 1976, and the Board shall act as an appeals board concerning matters arising under the Electrical Code and any licensing provisions, and is authorized to adopt its own rules of procedure and shall perform such other related functions as delegated from time to time by the County Commissioners.

(1959 Code, § 43A-3) (Ord. 76-15-75, 11-15-1976)

Editor's note:

The above-mentioned act is §§ 2-6-1 et seq.

§§ 1-7-19 – 1-7-35. RESERVED.

ARTICLE III: ELECTRICAL CODE

Section

Division 1. Generally

- 1-7-36 Short title
- 1-7-37 Definitions
- 1-7-38 Scope
- 1-7-39 Administration and enforcement
 - 1-7-39.1 Qualifications; conduct
 - 1-7-39.2 Duties
- 1-7-40 Minimum standards and requirements
- 1-7-41 General requirements
 - 1-7-41.1 Reserved
- 1-7-42 Notice upon completion and inspection of installations
- 1-7-43 Inspection of covered installations
- 1-7-44 Cut-in certificates
- 1-7-45 Defective installations and equipment
- 1-7-46 Emergency disconnections
- 1-7-47 Right of entry
- 1-7-48 Penalty
- 1-7-49 Civil electrical infractions

Division 2. Permits

- 1-7-61 Generally
- 1-7-62 Emergency work
- 1-7-63 Temporary installations
- 1-7-64 Fees
- 1-7-65 Refunding fees
- 1-7-66 Unlawful maintenance of installations

DIVISION 1. GENERALLY

§ 1-7-36. SHORT TITLE.

This article may be cited as the "Electrical Code."

(1959 Code, § 43-2) (Ord. 76-6-66, 4-5-1976)

§ 1-7-37. DEFINITIONS.

As used in this article, the following terms shall have the meanings respectively ascribed to them in this section.

ADMINISTRATIVE AUTHORITY: IS THE DIRECTOR OF THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW, OR HIS DESIGNATED REPRESENTATIVE⁽¹⁾.

Justification: Add definition and use for consistency throughout Department's ordinances.

ELECTRICAL EQUIPMENT. Includes electrical conductors, wiring, fittings, devices, appliances, fixtures and apparatus.

INSTALLATION. Includes installation of any electrical circuit or electrical equipment or part thereof and shall include alterations, renewals or extensions of the same.

REASONABLY SAFE TO PERSONS AND PROPERTY. As applied to electrical installations and electrical equipment, safe to use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb or property.

(1959 Code, § 43-1) (Ord. 76-6-66, 5-5-1976)

§ 1-7-38. SCOPE.

(A) The provisions of this article shall apply to all electrical equipment and the installation thereof for light, heat or power within or on public or private buildings, structures or premises, including yards, carnival and parking lots, and industrial substations, and all electrical equipment, and the installation thereof, used for power supply to radio and television transmitting and receiving systems in or on such buildings, structures or premises in the county.

(B) The provisions of this article shall not apply to any electrical work or equipment installed by or for any electric light or power company, railway company, street railway company, telegraph or telephone company, where such electrical work or equipment is owned and maintained by such company and is an integral part of the plant or service used by such company in rendering its service to the public.

(C) The provisions of this article shall not apply to installations in mines, ships or railway cars or to automotive equipment.

(D) The provisions of this article shall not apply to installations or equipment employed by the United States Government.

(1959 Code, § 43-3) (Ord. 76-6-66, § I, 4-5-1976)

§ 1-7-39. ADMINISTRATION AND ENFORCEMENT.

This article shall be administered and enforced by the Department of Permits and Inspections, hereinafter referred to as the "Department." The qualifications of the Chief Electrical Inspector and all Electrical Inspectors shall be as prescribed in the job descriptions on file in the Human Resources Department of Frederick County, Maryland. Nothing herein shall prohibit County Plumbing or Building Inspectors from performing residential electrical inspections so long as the Inspectors are properly qualified, trained and supervised.

(1959 Code, § 43-4) (Ord. 76-6-66, § I, 4-5-1976; Ord. 94-23-118, 11-15-1994; Ord. 08-28-504, 11-25-2008)

§ 1-7-39.1. QUALIFICATIONS; CONDUCT.

No person shall be appointed Chief Electrical Inspector unless he or she shall hold a license as a Master Electrician in the state. No Electrical Inspector, including the Chief Electrical Inspector, may be engaged in or financially interested in the electric business or the sale of any electrical supplies, nor act as an agent, whether directly or indirectly, for any person so engaged.

(Ord. 08-28-504, 11-25-2008)

§ 1-7-39.2. DUTIES.

It shall be the duty of all qualified inspectors to see that all work covered by this chapter is executed by persons properly qualified under this chapter and to report any violation to the proper officials for appropriate action. Qualified Inspectors shall inspect all constructions controlled under this chapter and see that it is done in accordance with the adopted code.

(Ord. 08-28-504, 11-25-2008)

§ 1-7-40. MINIMUM STANDARDS AND REQUIREMENTS.

The standards and requirements of this article and the National Electrical Code herein referred to are hereby declared to be minimum standards and requirements, and any electrical equipment or installation which is equal or superior to such standards and requirements shall be deemed to be in compliance therewith.

(1959 Code, § 43-5) (Ord. 76-6-66, § I, 4-5-1976)

§ 1-7-41. GENERAL REQUIREMENTS.

(A) All electrical equipment and installations thereof shall be reasonably safe to persons and property and in conformity with the provisions of this article.

(B) Except as otherwise provided in this article, conformity of installations of electrical equipment with the regulations set forth in the National Electrical Code, 2008 Edition, published by the National Fire Protection Association, shall be prima facie evidence that such installations are reasonably safe to persons and property, and said National Electrical Code is hereby adopted and incorporated by reference in this chapter.

(C) Except as otherwise provided in this article, conformity of electrical equipment with the applicable standards of a nationally recognized testing agency shall be prima facie evidence that such equipment is reasonably safe to persons and property.

(1959 Code, § 43-6) (Ord. 76-6-66, § 1, 4-5-1976; Ord. — 3-20-1979; Ord. 82-1-245, 1-26-1982; Ord. 85-12-344, 3-26-1985; Ord. 87-20-452, 7-21-1987; Ord. 91-00-001, 1-8-1991; Ord. 94-23-118, 11-15-1994; Ord. 96-14-166, 7-1-1996; Ord. 02-07-303, 4-4-2002; Ord. 05-32-393, 11-29-2005; Ord. 08-17-493, 6-17-2008)

§ 1-7-41.1. RESERVED.

Editor's note:

Ord. 96-14-166, adopted July 1, 1996, deleted § 1-7-41.1, which contained amendments to the National Electrical Code, 1993 Edition, and which derived from Ord. 94-23-118, § 3, adopted Nov. 15, 1994.

§ 1-7-42. NOTICE UPON COMPLETION AND INSPECTION OF INSTALLATIONS.

Upon the completion of EACH STAGE REQUIRING INSPECTION OF an installation the holder of the permit shall notify the Department which shall cause the installation to be inspected within 48 hours of such notice, exclusive of Saturdays, Sundays and holidays, or as soon thereafter as practicable^[j2].

Justification: Title gave the impression that inspection was only necessary at the completion and not at stages of installation. Inspection policy is within 24 hours now, however, no other P&I ordinance states timeframe the County is required to perform the inspection within.

(1959 Code, § 43-12) (Ord. 76-6-66, § 1, 4-5-1977)

§ 1-7-43. INSPECTION OF COVERED INSTALLATIONS.

When any part of an installation is to be hidden from view by the permanent placement of parts of a building, the person making the installation shall notify the Department, and such

installation shall not be concealed until it has been inspected and approved by the Department; provided, that on large installations where the concealment of electrical equipment proceeds continuously the person installing the same shall give the Department notice thereof so that inspections may be made periodically during the progress of the work. The Department shall have the authority to remove or require the removal of any structure that prevents proper inspection of any electrical equipment.

(1959 Code, § 43-13) (Ord. 76-6-66, § I, 4-5-1977)

§ 1-7-44. CUT-IN CERTIFICATES.

(A) No electric light or power company shall supply electricity or power to any electrical equipment for the installation of which a permit is required hereunder, and no person shall connect any such electrical equipment to a supply of electricity or power, except in accordance with a cut-in certificate issued by the Department. If after inspection the Department finds the installation to be in conformity with the provisions of this article, it shall issue a cut-in certificate therefore, authorizing the use of the installation and connection to the supply of electricity and power and shall send such certificate to the electric light or power company supplying the same. Such certificates may be issued for an entire installation or part thereof.

(B) Temporary cut-in certificates shall be issued for temporary installations authorized pursuant to § 1-7-63, and such certificates shall set forth their expiration date, shall expire upon such date unless extended, and shall be cancelled by the Director of the Department at any time if the installation is not maintained in a safe manner.

(1959 Code, § 43-15) (Ord. 76-6-66, § I, 4-5-1977)

§ 1-7-45. DEFECTIVE INSTALLATIONS AND EQUIPMENT.

(A) If upon inspection any installation for which a permit is required is found to be in violation of the provisions of this article, the Department shall notify the holder of the permit of the nature of such violation in writing and the same shall be corrected within 10 days after such notice or such other period of time as may be specified by the Department. If any electrical equipment installed before or after the enactment of this article is found by the Director of the Department ADMINISTRATIVE AUTHORITY or his agent to be dangerous to persons or property because defective or improperly used or installed, the Director or his agent shall notify the owner or lessee of the property in writing, setting forth the nature of such dangerous condition, and such person shall make such changes or repairs as are necessary to put such equipment in a safe condition within 15 days or such longer period as may be specified by the Director ADMINISTRATIVE AUTHORITY or his agent.

(B) Upon failure of any person to comply with a notice issued pursuant to subsection (A), any permit which has been issued for the installation of such equipment shall be revoked by the Department ADMINISTRATIVE AUTHORITY and no cut-in certificate shall be issued, or if such certificate has previously been issued it shall be revoked. If the equipment or installation is connected to a supply of electricity or power, the Director ADMINISTRATIVE AUTHORITY or his agent shall have the authority to disconnect the same and shall send notice to the electric light or power companies to discontinue its supply of electricity or power to such equipment or installation, and such supply of electricity or power shall be terminated within 24 hours of the

receipt of such notice, without liability therefore on the part of such electrical light or power company.

(C) The Director of the Department of Permits and Inspections ADMINISTRATIVE AUTHORITY may refuse to issue new permits to any person who has not corrected previous code violations or recognized their responsibility and agrees to correct such violations within a reasonable time or made proper appeal application if there is a dispute as to whether there is a violation.

(1959 Code, § 43-15) (Ord. 76-6-66, § I, 4-5-1977; Ord. 85-12-344, 3-26-1985)

§ 1-7-46. EMERGENCY DISCONNECTIONS.

In cases of emergency where any electrical equipment, whether installed before or after the enactment of this article, is an immediate threat to the safety of persons or property, or where it may interfere with the fire protection service of any Fire Department in the county, the Director of the Department ADMINISTRATIVE AUTHORITY or his agent shall have authority to cause such electrical equipment to be discontinued immediately and without notice to the owner thereof.

(1959 Code, § 43-16) (Ord. 76-6-66, § I, 4-5-1977)

§ 1-7-47. RIGHT OF ENTRY.

Any official or employee of the Department ADMINISTRATIVE AUTHORITY shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties for the purpose of making any inspection or test of any electrical installation or equipment contained therein, and no person shall hinder, impede, or interfere with any such official or employee in the discharge of his official duties.

(1959 Code, § 43-17) (Ord. 76-6-66, § I, 4-5-1977)

§ 1-7-48. PENALTY.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$500 or imprisonment for a period not exceeding 6 months, or both fine and imprisonment. Each day of a violation shall be a separate offense.

(1959 Code, § 43-19) (Ord. 76-6-66, § I, 4-5-1977)

§ 1-7-49. CIVIL ELECTRICAL INFRACTIONS.

(A) Pursuant to Chapter 634 of the Laws of Maryland 1984, being § 2-2-29 of the Frederick County Code, any violation of any of the provisions of this entire chapter, which is Chapter 1-7 entitled "Electricity" is a civil infraction and shall be called a civil electrical infraction. If, after investigation, a civil electrical infraction is believed to exist, the ADMINISTRATIVE AUTHORITY Frederick County Director of Permits and Inspections or his authorized agent shall deliver a citation or warning to the licensed electrical contractor and others responsible for the

infraction. If the ADMINISTRATIVE AUTHORITY Director or his authorized agent is unable to locate that individual personally, the ADMINISTRATIVE AUTHORITY Director or his authorized agent may post the citation or warning in a conspicuous place on the property of the violation and mail a copy of same to the person, which shall be sufficient for delivery under this section.

(B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (1) The name and address of the person charged or warned;
- (2) The nature of the violation;
- (3) The location of the violation;
- (4) The date(s) of the violation;
- (5) The amount or potential amount of fine assessed;
- (6) The manner, location and time in which the fine may be paid, or violation corrected, if applicable;
- (7) The person's right to stand trial for the violation, if applicable;
- (8) A certification by the Director or his authorized agent attesting to the truth of the matters set forth.

(C) Whenever an alleged or possible civil electrical infraction comes to the attention of the ADMINISTRATIVE AUTHORITY Director of Permits and Inspections, the following procedures shall apply.

- (1) The ADMINISTRATIVE AUTHORITY Director of Permits and Inspections will investigate whether an infraction has occurred;
- (2) If the ADMINISTRATIVE AUTHORITY Director finds that an infraction has occurred, he/she will issue a warning to the person(s) responsible in the form and manner outlined in this section, with reasonable time stated to abate or to prevent future infractions;
- (3) If the infraction continues or is allowed to occur after the reasonable time stated, the ADMINISTRATIVE AUTHORITY Director will issue a citation to the person(s) responsible in the form and manner as outlined in this section. Notwithstanding the provision of step (2) above, the ADMINISTRATIVE AUTHORITY Director may issue a citation at step (2) without prior issuance of a warning.

(D) A fine of \$ 200 is hereby imposed upon any person responsible for a civil electrical infraction for each violation. Each day such violation is permitted to exist shall be considered a separate infraction. All fines shall be payable to the Treasurer of Frederick County, Maryland, in the office of the Department of Permits and Inspections.

(E) A person who receives a citation may elect to stand trial for the offense by filing with the ADMINISTRATIVE AUTHORITY Director of Permits and Inspections a notice of intention to stand trial. The notice shall be given at least 10 days as before the date of payment of the fines as set forth in the citation. Upon receipt of the notice of intention to stand trial, the ADMINISTRATIVE AUTHORITY Director shall forward to the district court of Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the district court for any civil electrical infractions shall be remitted to the Treasurer of Frederick County, Maryland.

(F) If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person shall be liable for a fine of \$400 for each infraction. If after 35 days the citation is not satisfied, the ADMINISTRATIVE AUTHORITY Director may request adjudication of the case through the district court by the filing of civil judgment procedures.

(G) Adjudication of an infraction under this subsection is not a criminal conviction, nor does it impose any civil disabilities ordinarily imposed by a criminal conviction.

(H) In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Code Ann., Art. 23a, § 3(b)(8) through (15). However, the County Attorney is hereby authorized to prosecute all civil electrical infractions under this section.

(I) If a person is found by the district court to have committed a civil electrical infraction, that person shall be liable for the costs of the proceedings in the district court.

(J) Depending on the circumstances of each case and after consultation with the County Attorney, the ADMINISTRATIVE AUTHORITY Director of Permits and Inspections has the discretionary authority to reduce or suspend all or a portion of the fine payable through the Permits and Inspections Office.

(K) Nothing contained in this section shall prohibit or prevent the ADMINISTRATIVE AUTHORITY Director of Permits and Inspections, or any one else, from seeking other legal remedies, such as injunctions or criminal prosecution.

(L) Provisions of this section are in addition to, not in lieu of those penalties specified in other sections of this chapter, specifically § 1-7-48.

(M) The fines specified in this section can be modified at any time by resolution of the Board of County Commissioners of Frederick County after a duly advertised public hearing.

(Ord. 02-07-303, 4-4-2002)

§§ 1-7-50 – 1-7-60. RESERVED.

DIVISION 2. PERMITS

§ 1-7-61. GENERALLY.

(A) Except as provided in § 1-7-62 of this Code, no person shall make any installation of electrical equipment which is subject to the provisions of this article without first obtaining a permit therefore from the Department.

(B) All applications for permits shall be in writing, shall be in such form as may be prescribed by the Department and shall describe the work to be done and the location thereof. The application shall be accompanied by such plans, specifications and schedules as shall be necessary to determine whether the installation will be in conformity with the provisions of this article.

(C) Each permit shall describe with particularity the installation to be done there under, and no person shall install any electrical equipment other than in accordance with the permit. ~~All permits shall expire and be null and void unless the work authorized thereunder is commenced within 6 months from the date of issuance; provided, that the Department may upon good cause shown extend a permit 1 or more times for periods not exceeding 60 days.~~ [3]

Justification: Our current fee schedule includes extending a permit, extension length of time is addressed in (E). For consistency throughout department, removing the 6 month limitation for commencement of work.

(D) No permit shall be required to repair portable electrical equipment or lighting fixtures, or to repair or replace sockets, receptacles or snap switches, or to make other minor repairs at existing outlets, or to repair motors, or to replace motors with motors of the same horsepower rating.

(E) ~~Permits shall become void 1 year from date of issuance should the work described thereon not be completed. The permit must be renewed at a cost of \$10. ALL ELECTRICAL PERMITS SHALL EXPIRE 1 YEAR FROM THE DATE ISSUED EXCEPT THAT AN EXTENSION HAS BEEN GRANTED. ANY PERMITTEE HOLDING AN UNEXPIRED PERMIT SHALL BE ALLOWED TO APPLY FOR AN EXTENSION. EACH PERMIT SHALL BE EXTENDED FOR ONE YEAR. THE FEE FOR AN EXTENSION SHALL BE THE FEE AS SET BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS.~~ [4]

Justification: Our current fee schedule includes expiration, extensions, and the fee, which has not been \$10 for quite awhile. This wording is also consistent with the Plumbing amendment for same.

(1959 Code, § 43-8) (Ord. 76-6-66, § 1, 4-5-1976; Ord. 82-1-245, 1-26-1982; Ord. 94-23-118, § 3, 11-15-1994)

(F) THE CODE OFFICIAL SHALL HAVE THE AUTHORITY TO SUSPEND OR REVOKE A PERMIT ISSUED UNDER THE PROVISIONS OF THIS CODE WHEREVER THE PERMIT IS ISSUED IN ERROR OR ON THE BASIS OF INCORRECT, INACCURATE OR INCOMPLETE

INFORMATION, OR IN VIOLATION OF ANY ORDINANCE OR REGULATION OR ANY OF THE PROVISIONS OF THIS CODE [5].

Justification: (NEW) – This is not currently addressed in this ordinance. This will be consistent with the Plumbing ordinance and is the same wording.

§ 1-7-62. EMERGENCY WORK.

When necessary to make emergency repairs or replacements to electrical installations, or to make branch circuit extensions for switches, receptacles or the like, incidental to such emergency work, such work may be done without a permit, provided that the person doing the same first inform the ADMINISTRATIVE AUTHORITY Department either orally or in writing if the Department's office is open at the time of such emergency, giving his name and address and the address where the work is to be done, the nature thereof and when it is to be started. Such person shall file an application for a permit covering such emergency work on the first business day following the performance thereof.

(1959 Code, § 43-8) (Ord. 76-6-66, § I, 4-5-1976)

§ 1-7-63. TEMPORARY INSTALLATIONS.

A temporary permit shall be required in connection with electrical equipment installed for a temporary use for a period not to exceed 6 months. Such permit may be extended for an additional period of 6 months by the Department.

(Ord. 76-6-66, § I, 4-5-1976)

§ 1-7-64. FEES.

A fee for each electrical permit, inspection, and the like shall be paid in accordance with the fee schedule for electrical permits as adopted by separate resolution of the Board of County Commissioners; but in no event shall the fees charged be more than the costs incurred by the county government.

(1959 Code, § 43-10) (Ord. 76-6-66, § I, 4-5-1976; Ord. 82-1-245, 1-26-1982; Ord. 85-12-344, 3-26-1985; Ord. 91-01-001, 1-8-1991; Ord. 91-20-020, 8-8-1991)

§ 1-7-65. REFUNDING FEES.

Where no work has been done under a permit issued hereunder the holder of the permit may deliver same to the Department and upon cancellation thereof there shall be refunded to him 50% of the fee paid therefor; provided, that application for such refund is made within 6 months of the issuance of such permit. A PORTION OF THE FEES PAID IN ACCORDANCE WITH THE FEE SCHEDULE ADOPTED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS. [j6]

Justification: This revision is needed to align this section with current & future fee schedules.

(1959 Code, § 43-11) (Ord. 76-6-66, § I, 4-5-1977; Ord. 94-23-118, § 4, 11-15-1994)

§ 1-7-66. UNLAWFUL MAINTENANCE OF INSTALLATIONS.

In the case of any electrical installation for which a permit is required, it shall be unlawful for any person to maintain or allow to be maintained such electrical installation if it was installed after the effective date of this article without a permit and does not conform to the requirements hereof.

(Ord. 76-6-66, § I, 4-5-1977)

§§ 1-7-67 – 1-7-80. RESERVED.

ARTICLE IV: ELECTRICIANS

Section

Division 1. Generally

1-7-81 Penalties

Division 2. License

1-7-91 Required

1-7-92 Classes of licenses

1-7-93 Application and issuance generally

1-7-94 Bond

1-7-95 Persons eligible for licenses

1-7-96 Fees generally

1-7-97 Examinations

1-7-98 Appeals from refusal of license to Board of Arbitration

1-7-99 Expiration

1-7-100 Suspension or revocation

1-7-101 Inspection of work by limited license

1-7-102 Exemptions

DIVISION 1. GENERALLY

§ 1-7-81. PENALTIES.

Any violation of the provisions of this article shall be a misdemeanor, punishable by a fine not to exceed \$100- ~~500~~ or by imprisonment not to exceed ~~30 days~~ 6 MONTHS, or both fine and imprisonment. Each calendar day the offense shall continue shall be deemed a separate offense.

Justification: Working without a license needs a stronger penalty. Also, these penalties match the penalties in the permit section § 1-7-48.

(1959 Code, § 43B-X) (Ord. 77-11-88, 8-22-1977)

§§ 1-7-82 – 1-7-90. RESERVED.

DIVISION 2. LICENSE

§ 1-7-91. REQUIRED.

(A) A licensed master electrician cannot sign permits for more than himself or 1 company, not both, in Frederick County. In other words, he can only be self-employed or be employed by 1 electrical company, not both at the same time for the purposes of securing permits, whenever he has at least 1 electrical permit outstanding in Frederick County.

(B) No person shall install, repair, maintain or erect any kind of electrical wiring, conduits, or wiring to or repair of electrical elements or circuits of machinery and fixed or stationary appliance, motors, fixtures, signs, electrically operated heating equipment, elevators, or any other electrically operated apparatus or device in, on, or about any premises in the county without a license issued in conformity with this division.

(1959 Code, § 43B-1) (Ord. 77-11-88, 8-22-1977; Ord. 94-23-118, § 5, 11-15-1994)

§ 1-7-92. CLASSES OF LICENSES.

The following classes of licenses are hereby established.

(A) *Master electrician-general.* This license may be issued to any person eligible under this division. Any firm or corporation shall be entitled to receive this license provided at least 1 of its employees is the holder of a master electrician-general license. Such license shall authorize the licensed person to perform or have performed electrical work under his supervision. This individual being licensed can only represent or trade as an individual or for 1 company under this license while more than 1 permit is outstanding in Frederick County. On and after July 1, 1995, no firm or corporation is entitled to receive this license and the second sentence above is then void.

(B) *Master electrician-limited.* This license may be issued to any person and such license shall further specify the representative and the alternate representative, if any, of the person

under whose direction the work authorized by the license shall be performed. The licensee is authorized to perform electrical work solely on the premises occupied by the holder of such license. In the event that the holder shall die or cease operations for which the license is issued, or the designated representative dies or leaves the employ of the employer, the license shall be caused to become void or such license shall be modified by the county to indicate any change.

(C) *Master electrician-restricted.*

(1) This license may be issued to any person determined to be qualified by examination and shall permit the holder to install, maintain and repair the particular type or types of electrical equipment specified in the license, including:

~~(a) Electrically operated heating furnaces;~~

~~(b) Electrically operated air conditioning and refrigeration equipment;~~

(a) ELECTRICALLY OPERATED HEATING/AIR CONDITIONING AND REFRIGERATION EQUIPMENT

~~(c) Electrically operated elevators;~~

~~(d) Electrical display signs;~~

~~(e) Motor repairs; AND SERVICES~~

~~(f) Motor services;~~

~~(g) Electrical household fixed and stationary appliances. Portable appliance repair does not require a license;~~

(c) LOW VOLTAGE 50 VOLTS OR LESS

~~(h) Or any other electrical equipment, to be specified on license.~~

Justification: By combining categories, there will be a fewer number of exams to create, upkeep, and grade. Requested by the Electrical Board. By adding (c), the exams for alarm systems, phone, and data are addressed since that has become a popular category. Currently being addressed within (h) "or any other electrical equipment".

(2) The holder of this license shall be eligible for the maintenance, repair and installation of electrical household fixed stationary appliances and shall be permitted to make installations of electrical wiring from the point of existing distribution panels to the equipment being installed. This license does not permit installation of service or change of distribution of service. This license may be issued to any firm or corporation if and so long as it has in its employ at least 1 responsible holder of a master electrician- restricted license. On and after July

1, 1995, no firm or corporation is entitled to receive this license and the preceding sentence is then void.

(1959 Code, § 43B-I) (Ord. 7-11-88, 8-22-1977; Ord. 94-23-118, § 12, 11-15-1994)

§ 1-7-93. APPLICATION AND ISSUANCE GENERALLY.

(A) The license application of an individual shall be made on a form supplied by the county, which form shall show the following:

- (1) The number of years the applicant has been engaged in electrical work;
- (2) The type or types of work in which he has been engaged and length of time for each;
- (3) The name and address of present employer;
- (4) The name and address of last previous employer.

(B) The application for a firm or corporation shall be signed in the name of the applicant by an executive officer or major official and shall set forth the name and qualifications of the employee or employees whose employment and qualifications entitle the applicant to receive the type of license applied for and under whose supervision all electrical work to be done by the applicant will be performed.

(C) The Electrical Board is authorized to make a decision to issue a license to an applicant who can certify successful completion of technical or vocational education in lieu of, in whole or in part, field experience, upon presentation of scholastic records.

(D) Any outstanding violations may be cause for rejection of application.

(E) A license is to be in an individual name only beginning with the license renewal period on July 1, 1995. Frederick County will not license companies, only individuals.

(1959 Code, § 43B-IV(A)-(D)) (Ord. 77-11-88, 8-22-1977; Ord. 94-23-118, §§ 6, 13, 11-15-1994)

§ 1-7-94. BOND.

A surety bond or cash bond in the amount of \$10,000 from any firm or individual licensed to do business in the state shall accompany all applications for licenses required by this division except limited licenses and holders of State of Maryland licenses. (After July 1, 1995, firm will not apply.) Such bond, upon violation by the licensee of any of the requirements for electrical licensing shall, in addition to any other penalties, be subject to forfeiture to the Board of County Commissioners.

(1959 Code, § 43B-IV(F)) (Ord. 77-11-88, 8-22-1977; Ord. 94-23-118, § 7, 11-15-1994)

§ 1-7-95. PERSONS ELIGIBLE FOR LICENSES.

(A) An applicant for examination for a master electrician-general license shall have been regularly and principally employed or engaged in electrical construction, maintenance, installation, and repair of all types of electrical equipment and apparatus for not less than 7 years preceding the date of the application under the direction and supervision of a master electrician-general or its equivalent. The Electrical Board may credit not more than 3 years for formal course study or professional training in electrical installation, if, in the option of the Electrical Board, the study or training provided comparable experience and training otherwise attainable under the supervision of a master electrician-general or while employed by a government agency.

(B) In order to qualify for examination for a master electrician-limited license, the applicant shall submit the name of the representative and alternate, if any, under whom the work is to be done or supervised and satisfactorily provide that the representative or alternate, if any, has worked under the direction or supervision of a qualified person for at least 27 years or equivalent as determined by the Electrical Board. The representative and alternate, if any, must pass an examination as to his qualifications herein provided.

Justification: Requirements should be more similar to a Master General, since the person will be doing any type of commercial wiring.

(C) The applicant for a master electrician-restricted license shall satisfactorily establish that he has been actively in charge of electrical installation work under the supervision of a master electrician or master electrician-general or master electrician-restricted in the particular branch or branches applied for, for the period of at least 2 years, or equivalent as determined by the Electrical Board and shall pass an examination with respect to the particular branch or branches to be covered by the license applied for.

(D) The applicant for inactive shall comply with all requirements for the type of license for which he is applying as listed above. He shall not, however, be required to supply a bond so long as he keeps his license on an inactive status and does not operate under his license.

(1959 Code, § 43B-III) (Ord. 77-11-88, 8-22-1977; Ord. 81-12-202, 5-12-1981; Ord. 85-40-372, 9-24-1985)

§ 1-7-96. FEES GENERALLY.

The fees for a license as an electrician shall be paid in accordance with the fee schedule as adopted by separate resolution of the Board of County Commissioners.

(1959 Code, § 43B-VII) (Ord. 77-11-88; 8-22-1977; Ord. 81-12-202, 5-12-1981; Ord. 82-7-251, 5-18-1982; Ord. 85-40-372, 9-24-1985; Ord. 91-20-020, 8-8-1991)

§ 1-7-97. EXAMINATIONS.

(A) To be eligible for an electrical license, any applicant for a master electrician-general, master electrician-limited, or master electrician-restricted category shall satisfactorily pass an examination, except as herein provided. Such examination shall be standard for each category

and qualification for passage shall be determined by 5 members of the Electrical Board as designated by the Board of County Commissioners. Examination and grading procedures shall be established and publicized 30 days prior to each examination date and be available at all times to an applicant or other interested party. Examination results shall be available at the earliest possible date following the date of the examination but not later than 45 days thereafter. Notice of the decision to grant or refuse a license shall be sent by certified mail to the person and/or firm or corporation for which the application was filed.

(B) There shall be reciprocity for licensees as stated under terms of Md. Code, Art. 56, §§ 320 through 322, inclusive, as amended.

(C) Examinations shall be given during the months of April and October each year, and special examination may be provided at such other dates of which due REASONABLE notice is given.

(D) A registration fee of \$15 shall be submitted prior to examination date. IN ACCORDANCE WITH THE FEE SCHEDULE ADOPTED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS. Checks are to be made payable to the county. The fee is a nonrefundable fee.

Justification: The fee is subject to change and is included in the fee schedule ordinance.

(1959 Code, § 43B-V) (Ord. 77-11-88, 8-22-1977; Ord. 85-40-372, 9-24-1985; Ord. 94-23-118, § 8, 11-15-1994)

§ 1-7-98. APPEALS FROM REFUSAL OF LICENSE TO BOARD OF ARBITRATION.

Any person whose application for a license shall have been rejected by the Electrical Board shall have the right to appeal to a Board of Arbitration, which shall consist of 1 person selected by the person making the appeal, 1 person selected by the Board; these 2 shall select a third person, and the decision of said Board of Arbitration or a majority of them shall be final and binding upon all of the parties of said appeal; the members of said Board shall be paid the sum of \$5 each, which sum shall be deposited with the Board by the person taking said appeal.

(1959 Code, § 43B-VI) (Ord. 77-11-88, 8-22-1977)

§ 1-7-99. EXPIRATION.

(A) Licenses issued pursuant to the provisions of this division shall expire at the end of each calendar year. However, licenses issued after January 1, 1986, shall expire on June 30, 1987, and thereafter, every 2 years; from then on, June 30, every second year. Any license not renewed by the due date will require the payment of a late fee as established by the Board of County Commissioners, plus the renewal fee. Any license not renewed within 90 days after due date shall not be reissued until an examination has been taken and passed by the former license holder at the prescribed examination dates as stated under § 1-7-97 and approval given for the reissuance of the license.

(B) If the expired license was issued in Frederick County by virtue of reciprocity from another municipality/county in the State of Maryland, a new letter of reciprocity from the original licensing municipality/county must be submitted for the reinstatement of the expired license. If the expired license was issued by virtue of a Maryland state license, a new copy of the current, valid state license must be submitted for the reinstatement of the expired license.

(1959 Code, § 43B-VII, 43B-VIII) (Ord. 7-11-88, 8-22-1977; Ord. 81-12-202, 5-12-1981; Ord. 85-40-372, 9-24-1985; Ord. 94-23-118, 11-15-1994; Ord. 01-19-293, 10-16-2001)

§ 1-7-100. SUSPENSION OR REVOCATION.

(A) Any license may be suspended or revoked by the Electrical Board after a hearing, provided at least 15 days notice is given to the licensee before the hearing and the reasons for the hearing are stated in said notice.

(B) Such suspension or revocation may be for the following causes:

(1) Permitting any unlicensed person to perform electrical work under the authority of a master electrician license without the control and supervision by the licensed master electrician;

(2) Performing or permitting the performance of defective or dangerous work or work in violation of § 1-7-40, titled "Electrical Code," either inside Frederick County or in any other jurisdiction within the State of Maryland;

(3) Performing any work for which an application for electrical work has not been secured from the county;

(4) Violation of any of the provisions of this division;

(5) Any license holder whose original license was issued by Frederick County and has been licensed in any other municipality/county in the State of Maryland by virtue of a letter of reciprocity from Frederick County and has had his license revoked by the municipality/county granting reciprocity shall be subject to revocation in Frederick County;

(6) Representing more than 1 company or individual, including himself (herself) while at least 1 permit, under his authority, is still active.

(1959 Code, § 43B-VIII) (Ord. 7-11-88, 8-22-1977; Ord. 81-12-202, 5-12-1981; Ord. 94-23-118, § 10, 11-15-1994)

§ 1-7-101. INSPECTION OF WORK BY LIMITED LICENSE.

Firms or corporations operating under a master electrician-limited license are required to have an annual inspection by the County Electrical Inspector of all work performed during the preceding year by their licensee according to the Electrical Code. A record of such work shall be maintained by the licensee. The amount of work inspected will be within the discretion of the County Electrical Inspector.

(1959 Code, § 43B-IV) (Ord. 77-11-88, 8-22-1977; Ord. 94-23-118, § 14, 11-15-1994)

§ 1-7-102. EXEMPTIONS.

(A) (1) The provisions of this division shall not apply to:

(a) Utility companies regulated by the Public Service Commission of Maryland when working on own property or on line side of meter or outside of building when using doughnut type meters;

(b) Radio and television transmitting stations licensed and commissioned by the Federal Communications Commission regulations;

(c) Federal, state and county employees when engaged in the performance of their official duties only;

(d) The owner of a residential single-family dwelling- DWELLING OR PROPERTY wherein he resides or is about to reside, who obtains a homeowner's RESIDENTIAL electrical permit. To obtain this permit the owner must sign a homeowner's affidavit on file in the Office of Permits and Inspections and successfully pass with a grade of 70% or more an examination, which will consist of 10 code questions. This examination will be given in the Office of Permits and Inspections and will be an open book examination but without the assistance of any other person. This examination will not be allowed to be taken outside of the Office of Permits and Inspections. The questions for the examination will be determined by the Chairperson of the Electrical Board, the Chief Electrical Inspector, and the ADMINISTRATIVE AUTHORITY Director of Permits and Inspections. The owner will be required to produce a photo identification before being allowed to take the examination.

Justification: The "dwelling" reference was too specific, as there are sheds and other accessory structures that the homeowner could do his or her electrical work for. It is also possible that the property could have a nonresidential structure, so it is necessary to specify "residential".

(2) The owner of a residential dwelling who signs a homeowner's affidavit for an electrical permit, after successfully passing an examination, shall have his permit granted.

(B) Unless otherwise required by this division, no person engaged in the manufacture, assembly or repair of electrical equipment manufactured by such person or manufactured for such person by a parent or subsidiary corporation shall be required to hold or to employ the holder of any of the licenses provided for by these requirements solely by reason of such manufacture, assembly or repair. All electrical installations for machinery and equipment within such factories shall require either a general or limited license.

(1959 Code, § 43B-1; 1981, Chapter 475, § 1; 1992, Chapter 53, § 1) (Ord. 77-11-88, 8-22-1977; Ord. 94-23-118, § 11, 11-15-1994)

EXHIBIT A

CHAPTER 1-14: PLUMBING

ARTICLE I: ~~IN GENERAL LICENSES~~

Explanatory Note: This section has been renamed. Only "Licensing of Plumbers" and "Licensing for On-Site Utility Contractors" are currently in Article I. Since the Appliance Installers license sections are being moved, this Article is more appropriately titled "Licenses".

§ 1-14-1. LICENSING OF PLUMBERS.

(A) All master plumbers shall make application FOR A LICENSE ON FORMS approved by the ~~Director of Permits and Inspections~~ ADMINISTRATIVE AUTHORITY accompanied by a fee as set by a resolution of the Board of County Commissioners, ~~and a performance bond in the amount of \$2,000 conditioned upon the applicant's proper installation of all work.~~ THE ADMINISTRATIVE AUTHORITY SHALL BE THE DIRECTOR OF THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW OR A DESIGNATED REPRESENTATIVE.

Explanatory Note: Master Plumbers are bonded at the State level and DPDR has not required a County bond for years.

(B) All ~~j~~ Journeymen plumbers shall make application FOR A LICENSE ON FORMS approved by the ~~Director of Permits and Inspections~~ ADMINISTRATIVE AUTHORITY accompanied by a fee as set by a resolution of the Board of County Commissioners ~~and shall not be required to give bond.~~

Explanatory note: Journeymen cannot apply for permits, must work under a Master Plumber who is licensed, and are only issued a license upon request.

(C) All septic system installers shall make application FOR A LICENSE ON FORMS approved by the ~~Director of Permits and Inspections~~ ADMINISTRATIVE AUTHORITY accompanied by a fee as set by a resolution of the Board of County Commissioners and a performance bond ~~in the amount of \$2,000~~ \$10,000 conditioned upon the applicant's proper installation of all work. Such bonds when required shall be in a form prescribed by the ~~Director of Permits and Inspections~~ ADMINISTRATIVE AUTHORITY.

Explanatory Note: The bond amount has not been updated since the Plumbing Office began and is not adequate for a new septic installation. Septic system installers are not bonded through the State for septic work.

(D) All master plumbers licensed as aforesaid shall need a septic system installer's license BEFORE APPLYING FOR A PERMIT TO ~~if they~~ install septic systems. If ~~Asuch~~ master plumber installs plumbing and septic systems he OR SHE shall ~~not~~ be required to PROVIDE THE BOND ~~give 2 bonds as aforesaid, but 1 bond shall suffice~~ DESCRIBED IN (C) ABOVE.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

~~(E) All licenses shall be issued for a period of 2 years but may be refused or revoked by the Director of Permits and Inspections in the event it is shown that such applicant is either unable or unwilling to properly perform his work, and/or it becomes necessary to take action upon his bond filed as aforesaid. For classification, this action of the Director can be appealed to the Frederick County Advisory Plumbing Board, which action is stayed until after the Board's decision if there is an appeal.~~

§ 1-14-2. LICENSING FOR ON-SITE UTILITY CONTRACTORS.

(A) *Application:* All on-site utility contractors shall make application for a license on forms approved by the ~~Director of Permits and Inspections~~ ADMINISTRATIVE AUTHORITY, accompanied by a fee, which shall be set by resolution of the Board of County Commissioners.

(B) *Requirements for license:*

(1) Proof of a minimum of 6 years of supervisory experience in the utility trade, which shall include at least 1 of the following:

(a) A notarized letter or certified wage records from a current or former employer; or

(b) Substantially equivalent documentation or proof of the required experience in a form acceptable to the ~~Frederick County Department of Permits and Inspections~~ ADMINISTRATIVE AUTHORITY.

(2) Proof that the applicant has no outstanding Frederick County Code violations;

(3) Certification in OSHA subpart "P" in trench safety or proof of a current certificate (license) from another jurisdiction obtained in an equivalent manner acceptable to the Frederick County Advisory Plumbing Board;

(4) Certification in OSHA requirements for confined spaces;

(5) A current certificate of general commercial liability insurance with limits of at least \$300,000 for property damage and \$100,000 for liability (total property damage and liability insurance of at least \$400,000); and

(6) A government-issued photo ID.

[Subsection 1-14-2(C) remains unchanged]

§1-14-3 LICENSING OF APPLIANCE INSTALLERS

Explanatory Note: New §1-14-3 is former §1-14-97, but was moved here as it is a more appropriate location.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

(A) DEFINITIONSSCOPE. APPLIANCES ARE LIMITED TO THOSE THAT FALL WITHIN THE SPECIFIC LICENSE SUBCATEGORY CLASSIFICATIONS OF THIS SECTION. ALL PRESSURE VESSELS ARE EXCLUDED AND MUST BE INSTALLED BY A FREDERICK COUNTY- LICENSED MASTER PLUMBER.

(B) APPLICATION, FEE, CERTIFICATE OF INSURANCE. ALL APPLIANCE INSTALLERS SHALL MAKE APPLICATION FOR A LICENSE ON FORMS APPROVED BY THE FREDERICK COUNTY ADVISORY PLUMBING BOARD ACCOMPANIED BY:

(1) A COPY OF THEIR MARYLAND STATE LICENSE OR A LICENSE FROM A JURISDICTION RECOGNIZED BY THE STATE OF MARYLAND;

(2) PROOF THAT THE APPLICANT HAS NO OUTSTANDING FREDERICK COUNTY CODE VIOLATIONS;

(3) A FEE AS SET BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS; AND

(4) A CERTIFICATE OF INSURANCE IN THE AMOUNT OF \$300,000 FOR PROPERTY DAMAGE AND LIABILITY INSURANCE IN THE AMOUNT OF \$100,000, MAKING A TOTAL OF 400,000 REQUIRED FOR PROPERTY DAMAGE AND LIABILITY INSURANCE.

(C) PERMIT REQUIRED, ISSUANCE. NO PLUMBING APPLIANCE SHALL BE INSTALLED WITHOUT A PERMIT FROM THE FREDERICK COUNTY DEPARTMENT OF PERMITS AND INSPECTION. SUCH PERMIT SHALL BE ISSUED IN ACCORDANCE WITH THIS §1-14-3. PROVIDED THAT APPLIANCES MAY BE INSTALLED BY EITHER A LICENSED PLUMBER OR LICENSED APPLIANCE INSTALLER.

(D) INSPECTION AND APPROVAL OF INSTALLATIONS. ALL APPLIANCE INSTALLATIONS SHALL BE INSPECTED AND APPROVED UNDER THE PERTINENT PROVISIONS OF THIS CHAPTER.

(E) ALL APPLIANCE INSTALLERS SHALL HAVE THEIR SERVICE VEHICLES LABELED WITH THEIR NAME AS IT APPEARS ON THEIR STATE LICENSE AND THEIR STATE AND COUNTY LICENSE NUMBERS.

(F) SUBCATEGORY OF APPLIANCE INSTALLERS LICENSE. ONLY THOSE SUBCATEGORY LICENSES LISTED BELOW ARE PERMITTED.

(1) LP GAS APPLIANCE INSTALLERS LICENSE.

(A) REQUIREMENTS FOR LICENSE.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

1. A VALID:

A. PROPANE GAS FITTERS CERTIFICATE ISSUED BY THE STATE OF MARYLAND; OR

B. LP GAS LICENSE ISSUED BY ANY OTHER JURISDICTION AND RECOGNIZED BY THE STATE OF MARYLAND; AND

2. INSURANCE AS REQUIRED BY §1-14-3 (B).

(B) SCOPE OF WORK.

1. ALL PERMITS MUST BE SECURED BY A FREDERICK COUNTY-LICENSED LP GAS APPLIANCE INSTALLER.

2. ALL JOURNEYPERSONS WILL BE LICENSED IN ACCORDANCE WITH §1-14-1(B) OF THIS CHAPTER.

(2) NATURAL GAS APPLIANCE INSTALLERS LICENSE.

(A) REQUIREMENTS FOR LICENSE.

1. A VALID NATURAL GAS LICENSE ISSUED BY: ANY JURISDICTION AND RECOGNIZED BY THE STATE OF MARYLAND; W.S.S.C.; BALTIMORE COUNTY; OR BALTIMORE CITY; AND

2. INSURANCE AS REQUIRED BY §1-14-3 (B).

(B) SCOPE OF WORK.

1. ALL PERMITS MUST BE SECURED BY A FREDERICK COUNTY-LICENSED NATURAL GAS APPLIANCE INSTALLER.

2. ALL JOURNEY PERSONS WILL BE LICENSED IN ACCORDANCE WITH § 1-14-1 (B) OF THE PLUMBING ORDINANCE.

(3) POOL INSTALLERS LICENSE.

(A) REQUIREMENTS FOR LICENSE.

1. A MARYLAND HOME IMPROVEMENT CONTRACTOR'S LICENSE; AND

2. INSURANCE AS REQUIRED IN §1-14-3 (B).

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

(B) SCOPE OF WORK.

1. A POOL INSTALLERS LICENSE PERMITS THE INSTALLATION OF A BACKFLOW DEVICE TO AN EXISTING HOSE BIB FOR A RESIDENTIAL POOL, HOT TUB, OR SPA.

2. COMMERCIAL INSTALLATIONS AND INSTALLATIONS OF NEW WATER LINES UNDER A POOL INSTALLERS LICENSE ARE PROHIBITED.

(4) WATER TREATMENT INSTALLERS

(A) REQUIREMENTS FOR LICENSE.

1. A WATER CONDITIONER INSTALLER OR WELL DRILLER IN THE WATER SUPPLY CATEGORY, AS LICENSED BY THE STATE OF MARYLAND BOARD OF WELL DRILLERS. NO ADDITIONAL COUNTY LICENSE IS REQUIRED.

(B) SCOPE OF WORK.

1. WATER TREATMENT APPLIANCES SHALL BE INSTALLED ONLY ON EXISTING WATER AND SEWER SYSTEMS.

2. ALL JOURNEY PERSONS WILL BE LICENSED IN ACCORDANCE WITH §1-14-1 (B) OF THE PLUMBING ORDINANCE.

§ 1-14-4 EXPIRATION OF LICENSES.

Explanatory Note: Existing license sections did not clearly address term and expiration of licenses.

ALL LICENSES ISSUED IN ACCORDANCE WITH THIS ARTICLE SHALL EXPIRE ON NOVEMBER 13TH OF THE NEXT ODD-NUMBERED YEAR AFTER THE DATE OF INITIAL ISSUANCE. ANY LICENSE NOT RENEWED BY THE EXPIRATION DATE WILL REQUIRE THE PAYMENT OF A LATE FEE AS ESTABLISHED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS. IN ADDITION TO THE RENEWAL FEE.

§ 1-14-5 REFUSAL OR REVOCATION OF LICENSES.

ANY LICENSE MAY BE REFUSED OR REVOKED BY THE ADMINISTRATIVE AUTHORITY IN THE EVENT IT IS SHOWN THAT SUCH APPLICANT IS EITHER UNABLE OR UNWILLING TO PROPERLY PERFORM THE WORK. THIS ACTION CAN BE APPEALED TO THE FREDERICK COUNTY ADVISORY PLUMBING BOARD, WHICH ACTION IS STAYED UNTIL AFTER THE BOARD'S DECISION ON APPEAL.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

§§ 1-14-4 – 1-14-6 - 1-14-18. RESERVED.

ARTICLE II: PLUMBING INSPECTOR

[No changes are proposed to Article II]

ARTICLE III: ADVISORY PLUMBING BOARD

[No changes are proposed to §§1-14-36 through 1-14-38]

§ 1-14-39. MEETINGS; REVIEW OF PLUMBERS' CREDENTIALS; LIST OF PLUMBERS.

The Advisory Plumbing Board shall meet at such times as may be necessary but at least once during any 6 month period. They shall MAY review the credentials and licenses issued by the Department to all ANY person. ~~s licensed by the State Board of Plumbing as state master or journeymen plumbers or county licensed master or journeymen plumbers.~~

Explanatory Note: The Advisory Plumbing Board does not review licenses that have been issued, although they may do so if they wish.

§ 1-14-40. DUTIES AS BOARD OF ARBITRATION

The Advisory Plumbing Board shall sit as a board of arbitration with respect to any disputes that may arise involving an interpretation of the Plumbing Code or of the rules and regulations promulgated hereunder. ANY PERSON WHO REQUESTS A HEARING BEFORE THE BOARD SHALL PAY A FEE AS SET BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, PRIOR TO THE SCHEDULING OF SUCH HEARING. A HEARING REQUEST SHALL BE SUBMITTED 15 DAYS PRIOR TO THE HEARING DATE.

Explanatory Note: The hearing fee has already been set by resolution, and the 15 day timeframe has already been voted on by the Advisory Plumbing Board and has become policy.:

§ 1-14-41. AUTHORITY TO CREATE BY-LAWS.

THE ADVISORY PLUMBING BOARD SHALL HAVE THE AUTHORITY TO ESTABLISH, IMPLEMENT, AND AMEND, AS NECESSARY, BYLAWS FOR ITS OPERATION.

§§ ~~1-14-41~~ 1-14-42 – 1-14-55. RESERVED.

ARTICLE IV: PLUMBING CODE

~~DIVISION 1. GENERALLY~~

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

§ 1-14-56. ADOPTION.

There is hereby adopted by the Board of County Commissioners those certain plumbing regulations known as the 2006~~2009~~ Edition of the International Plumbing Code, and the whole thereof; and the same is hereby adopted, ratified and incorporated as fully as if set out at length herein subject to the local amendments described below in § 1-14-57.

§ 1-14-57. AMENDMENTS.

The International Plumbing Code is hereby amended and changed as described and shown below.

SECTION 101 IS HEREBY AMENDED AS FOLLOWS:

101.2 SCOPE. THE EXCEPTION IS HEREBY DELETED.

Explanatory Note: This change was made in order to apply the provisions of the IPC on all types of structures; whether they are commercial, residential or accessory.

Section 103 is hereby deleted in its entirety.

~~Section 104 is hereby deleted in its entirety.~~

SECTION 104 IS HEREBY AMENDED AS FOLLOWS:

104.2 APPLICATIONS AND PERMITS. THE ADMINISTRATIVE AUTHORITY SHALL RECEIVE APPLICATIONS AND ISSUE PERMITS FOR THE INSTALLATION AND ALTERATION OF PLUMBING SYSTEMS, INSPECT THE PREMISES FOR WHICH SUCH PERMITS HAVE BEEN ISSUED, AND ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS CODE.

Section 106 is hereby deleted in its entirety.

Section 108 is hereby deleted in its entirety.

Section 109 is hereby deleted in its entirety.

Section 202 is hereby amended as follows:

Administrative Authority: Is the director of the DIVISION OF PERMITTING AND DEVELOPMENT REVIEW, or A his designated representative.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

Building Drain: That part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends five (5) feet (1524 mm) beyond the walls of the building and conveys the drainage to the building sewer.

Subsection 305.6 is hereby amended as follows:

305.6 Freezing. A water, soil or waste pipe shall not be installed outside of a building, in attics or crawl spaces; concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect them from freezing by insulation or heat or both. Water service pipe shall be installed not less than thirty-six (36) inches (915 mm) deep or less than six (6) inches (152 mm) below the frost line.

Subsection 305.6.1, Sewer depth is hereby deleted in its entirety.

Subsection 306.3 is hereby amended to add the following text:

ABS and PVC shall be bedded in maximum three-quarter-inch stone to a depth of six (6) inches under the pipe and covered to a depth of twenty-four (24) inches above the pipe.

Subsection 312.910.1 is hereby deleted in its entirety.

Subsection 312.910.2 is hereby amended by adding the following text.

(a) Copies of test reports for the initial installation shall be sent to the administrative authority and the water supplier. Copies of annual test reports shall be sent to the water supplier.

(b) Testing, ~~INSPECTION~~ and repair of devices shall be performed by certified individuals approved by an agency acceptable to the administrative authority. Certification for testing shall be in accordance with a nationally recognized accredited training program. Certification shall include not less than 32 hours of combined classroom and practice training and successful completion of a written and practical examination.

(c) Double check valves and reduced pressure principal valves: Such devices WHEN INSTALLED IN THE HORIZONTAL shall be installed at not less than 12 inches above the floor with the maximum of 48 inches above floor. WHEN INSTALLED IN THE VERTICAL, SUCH DEVICES SHALL BE INSTALLED AS CLOSE TO THE FLOOR AS PRACTICABLE. All test reports shall be made on Frederick County forms and the device shall be tagged with a Frederick County pink card.

(d) Where a continuous water supply is critical and cannot be interrupted for the periodic testing of a backflow prevention device, multiple backflow prevention devices or other means of maintaining a continuous supply shall be provided.

Subsection 403.1.1 is hereby amended by adding the following text.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

(a) In new construction for assembly and mercantile occupancies, an accessible unisex toilet may be provided where an aggregate of six or more male or female water closets are required. In buildings of mixed occupancy, those water closets required for the assembly or mercantile portion of the occupancy would be used to determine the ability to make use of the unisex toilet room option. The inclusion of the one accessible unisex toilet room shall be allowed to replace both one male and one female toilet.

(b) Unisex toilet rooms shall comply with this section and the requirements for accessible toilet rooms as per standards prescribed in THE INTERNATIONAL BUILDING CODE, EXCEPT WHERE A MORE STRINGENT REQUIREMENT IS FOUND IN COMAR 05.02.02 Maryland Accessibility Code.

Explanatory Note: This change was made to ensure that the most stringent requirements for handicap accessibility are applied.

(c) Unisex toilet rooms shall include only one water closet and only one lavatory.

(d) Unisex toilet rooms shall be located on an accessible route. Unisex toilet rooms shall be located not more than one story above or below separate-sex toilet rooms. The accessible route from any separate-sex toilet rooms to a unisex toilet room shall not exceed 500 feet/152.4m.

(e) Unisex toilet rooms shall be designated by accessible signs. Directional signage shall be provided at all separate-sex toilet rooms indicating the location of the nearest unisex toilet room.

Section 404 is hereby deleted in its entirety.

New section 404 to read as follows:

Section 404 Accessible Plumbing Facilities: Plumbing fixtures and installation shall conform to the requirements of the INTERNATIONAL BUILDING CODE EXCEPT WHERE A MORE STRINGENT REQUIREMENT IS FOUND IN THE Code of Maryland Regulations 05.02.02 Maryland Accessibility Code.

Explanatory Note: This change was made to ensure that the most stringent requirements for handicap accessibility are applied.

Section 410.1 is hereby amended as follows:

410 Approval. Drinking fountains shall conform to ASME A112.19.1, ASME A112.19.2, or ASME A112.19.9M, and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants drinking fountains shall not be required. IN OTHER OCCUPANCIES WHERE DRINKING FOUNTAINS ARE REQUIRED, WATER COOLERS OR BOTTLED WATER DISPENSERS SHALL NOT BE PERMITTED TO BE SUBSTITUTED FOR THE REQUIRED DRINKING FOUNTAINS.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

Explanatory Note: *Water coolers and bottled water are not handicap accessible in regard to graspability.*

Subsection 412.4 is hereby amended to add the following text:

Floor drains shall be located in toilet rooms containing two (2) or more water closets or a combination of one water closet and one urinal, except in dwelling units. Floor drains shall be required in commercial kitchens.

Subsection 415 is hereby amended to add the following new subparagraphs:

415.3 Prohibited locations. Laundry trays and mop sinks shall not be located in, nor accessed through, public restrooms.

415.4 Wall area. The wall area around mop sink basins shall be constructed of smooth waterproof materials to a minimum height of 36", but no less than the height of the faucet. Waterproofing materials of epoxy or paint coatings are prohibited.

Subsection 417.1 is hereby amended to add the following text:

Fiberglass or plastic tub and shower enclosures cannot be installed with faucets back to back unless approved by administrative authority.

Subsection 417.4 is hereby amended to add the following text:

No windows shall be in the 70-inch wall area. Waterproofing materials of epoxy or paint coatings are prohibited.

Subsection 419.3 is hereby amended to add the following text:

Waterproofing materials of epoxy or paint coatings are prohibited.

Section 501.2 is hereby deleted in its entirety.

New subsection 501.2 to read as follows:

501.2 Water heater as space heater.

(a) The installation of any system or equipment utilizing water heaters to provide heat must be installed by a person who is licensed to perform the work in Maryland and who has obtained the necessary local permits for such installations.

(b) This section is applicable to:

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

1. A combination heating system, which is installed as a unit and incorporates a water heater as an integral part of the system, to provide the primary heat source to the dwelling;
2. Pieces of equipment sold as an add-on to an existing heating system for the purpose of providing supplemental heat, and are attached to a water heater containing water, which may later be expected to be used as potable water.

(c) All installations shall comply with the following:

1. Combination water/space heating equipment, materials and components shall be suitable for use with potable water and listed for such use;
2. Water heaters, piping and components connected for a space heating application shall be properly sized and installed according to manufacturer's instructions;
3. Water heaters used in combination water/space heating systems shall be listed as complying with American National Standards (ANSI Z21.101, Z21.10.3 or UL732, as applicable);
4. A water temperature control valve shall be installed with every installation utilizing a combination water heating/space heating system application to limit domestic hot water temperature safe for ordinary domestic use by individuals;
5. The installer must disinfect and certify the water system whenever required by the administrative authority under Section 610 of International Plumbing Code;
6. The system shall be equipped with a means for periodic circulation between the water heater and the exchanger during off seasons;
7. An acceptable means shall be provided to prevent thermal circulation through the exchanger during off seasons, except circulation necessary to comply with subparagraph (6);
8. A copy of the documentation to support the requirements of these subparagraphs shall be available for an Inspector's review during inspections and shall remain with the unit;
9. For all such devices used in Maryland, an informational sheet shall be provided that outlines all of the requirements of this subsection.

Subsection 603.2 is hereby deleted in its entirety. New subsection 603.2 to read as follows:

603.2 Separation of water service and building sewer. The water service pipe and building drain or building sewer shall not have less than one foot horizontal distance between the piping.

604.8 is hereby amended as follows:

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

604.8 Water pressure reducing valve or regulator. Where water pressure within a building exceeds sixty (60) psi static, an approved water pressure reducing valve conforming to ASSE 1003 with strainer shall be installed to reduce the pressure in the building water distribution piping to sixty (60) psi static or less. Exception to the requirement are service lines to sill cocks and outside hydrants, and main supply risers where pressure from the mains is reduced to sixty (60) psi or less at individual fixtures.

A NEW SUBSECTION 604.8.1 IS HEREBY ADDED, TO READ AS FOLLOWS:

WHERE A WATER PRESSURE REDUCING VALVE OR REGULATOR IS INSTALLED IN A 1 AND 2 FAMILY DWELLINGS, AN ASSE 1024 DUAL CHECK VALVE SHALL BE INSTALLED ON THE SYSTEM SIDE OF THE DEVICE.

Explanatory Note: This is required to avoid a problem with water surging and "bumping" the meter, which may cause artificially high readings.

Subsection 605.4~~605.3~~ is hereby amended to add the following text:

All copper tube used underground shall be Type K copper. When using insert fittings on plastic water service the size of the pipe shall be no less than one inch. The fittings used shall be made of brass or stainless steel and shall be used with stainless steel bands. Delete from Table 605.4 ~~605.3~~ water service pipe type L, WL, M or WM copper tubing. A minimum diameter of a one inch pipe shall be used for connection from submersible pump to a storage tank as part of a well system installation.

Table 605.4 is hereby amended to delete the following text:

Type M or WM copper tube.

Subsection 606.1, Location of full-open valves, is hereby amended to add a new subparagraph:

9. After tee for sprinkler system on the domestic side.

Subsection 606.5.8 is hereby amended to add the following text:

Any pressure tank installed in a basement and/or crawl space shall be a minimum of seven and one-half (7½) inches above finished grade. All water pressure tanks and apparatus for mobile homes shall be installed in the confines of the living space. In every case, the only exception shall be those tanks installed a minimum of eighteen (18) inches from the top of the tank to finished grade in an approved manhole with water tight lid, a minimum of six (6) inches above finished grade.

Subsection 606.7 is hereby added as follows:

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

Subsection 606.7 Dead ends. In the installation or removal of any part of the water distribution system, dead ends shall be prohibited. Future water distribution piping shall be allowed when valves are provided within 2 feet (610 mm) of the branch tee and are tagged as to their purpose. Valves shall be kept in the closed position following testing.

Subsection 608.16.4, Connections to automatic fire sprinkler systems and standpipe systems, is hereby amended to delete exceptions (1.) and (2.).

SUBSECTION 608.16.4 IS HEREBY AMENDED TO ADD THE FOLLOWING:

IN 1 AND 2 FAMILY DWELLINGS THE TYPE OF BACKFLOW PREVENTER REQUIRED SHALL BE AN ASSE 1024 DUAL CHECK VALVE.

Subsection 608.17 is hereby deleted in its entirety.

SECTION 701.2 Sewer required is hereby deleted and replaced with the following:

Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with Code of Maryland (COMAR) regulations.

Table 710.1(1) is hereby amended to read as follows:

Footnote a. The minimum size of any building sewer shall be four (4) inches to the inside of the building.

Subdivision 701.9 is hereby amended to add the following text:

Food or drink shall not be stored, prepared or displayed beneath overhead sewer or drain pipes unless such pipes are protected against leakage or condensation reaching the food or drink as described below for new construction. In newly constructed or remodeled establishments, soil or drain pipes located over food preparation, storage, display or serving areas are undesirable. Where building design requires that soil or drain pipes be located over such areas, the installation shall be made with the least possible number of joints and shall be installed so as to connect to a vertical stack at the nearest wall or vertical building support and the construction shall be performed as follows:

- a. All openings through floors over such areas shall be provided with sleeves securely bonded to the floor construction and projecting not less than three-quarters inch above top of the finished floor with space between sleeve and pipe or duct sealed.
- b. Floor and shower drains installed above such areas shall be equipped with integral seepage pans.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

c. Plumbing fixtures in rooms located above such areas shall be of the wall mounted type except bathtubs. Tubs shall have waste and overflow connections made above floor and piped to the trap below the floor. Connections through floors and to traps shall conform with all other provisions of this regulation. No floor openings, other than sleeve for waste pipe, will be permitted for tubs.

d. All other soil or drain pipes shall be of an approved material as listed in Table 702.1 and Section 702. All materials shall conform to established standards. Cleanouts shall be extended through the floor construction above.

e. Soil and drain pipes located above such area shall be subjected to a standing water test of not less than twenty-five (25) feet.

f. Piping subject to operation at temperatures that will form condensation on the exterior of the pipe shall be thermally insulated.

g. Where pipes are installed in ceilings above such areas, the ceiling shall be of the removable type, or shall be provided with access panels in order to form a ready access for inspection of piping.

h. In lieu of the above, any other method may be approved by the administrative authority.

Subsection 904.1 is hereby amended as follows:

904.1 Roof extension. All open vent pipes that extend through roof shall be terminated at least 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall run at least 7 feet (2134 mm) above the roof. All stacks that terminate through roof shall have no offsets more than 45 degree angle.

Subsection 917 is hereby deleted in its entirety.

~~— New Section 917 to read as follows:~~

~~— Section 917 Air Admittance Valves. The administrative authority may approve the use of air admittance valves.~~

SECTION 917.1 IS HEREBY AMENDED TO READ AS FOLLOWS:

917.1 GENERAL. AIR ADMITTANCE VALVES SHALL ONLY BE INSTALLED WITH THE APPROVAL OF THE ADMINISTRATIVE AUTHORITY. WHERE APPROVED, VENT SYSTEMS UTILIZING AIR ADMITTANCE VALVES SHALL COMPLY WITH THIS SECTION. STACK-TYPE AIR ADMITTANCE VALVES SHALL CONFORM TO ASSE 1050. INDIVIDUAL AND BRANCH-TYPE AIR ADMITTANCE VALVES SHALL CONFORM TO ASSE 1051.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

EXHIBIT A

Explanatory Note: To ensure that the installation of air admittance valves is appropriate for the particular application.

[The balance of §1-14-57 remains unchanged]

[Sections 1-14-58 and 1-14-59 remain unchanged]

~~§ 1-14-60. ARTICLE DECLARED ADDITIONAL.~~

~~—The provisions of this article are supplemental to all other laws relating to plumbing.~~

~~(1959 Code, § 42-23)~~

Explanatory Note: Sections 1-14-61 PENALTIES and 1-14-62 PLUMBING INFRACTIONS have been relocated to ARTICLE V.

~~§ 1-14-61. PENALTIES.~~

~~—Any person, whether individually or as a member or employee of a partnership, an officer, agent or employee of a corporation, who directs or knowingly permits any violation of any of the provisions of the sections of the Plumbing Code, or any rule or regulation duly promulgated there under or who aids or assists therein, either on his own behalf or in the interests of his employer or principal shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a misdemeanor punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days, or both, for each separate violation. Every day such violation exists shall constitute a separate offense and be punishable as such.~~

~~§ 1-14-62. CIVIL PLUMBING INFRACTIONS.~~

~~—(A) Pursuant to Chapter 634 of the Laws of Maryland 1984, being § 2-2-29 of the Frederick County Code, any violation of any of the provisions of this entire chapter, which is Chapter 1-14 entitled "Plumbing," is a civil infraction and shall be called a civil plumbing infraction. If, after investigation, a civil plumbing infraction is believed to exist, the Frederick County Director or his authorized agent shall deliver a citation or warning to the building owner and others responsible for the infraction. If the Director or his authorized agent is unable to locate the owner personally, the Director or his authorized agent may post the citation or warning in a conspicuous place on the property of the owner and mail a copy of same to the person, which shall be sufficient for delivery under this section.~~

~~—(B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:~~

~~—(1) The name and address of the person charged or warned;~~

CAPITALIZED and/or underlined text indicates added text. Text which has been stricken through indicates deleted text.

EXHIBIT A

- ~~— (2) — The nature of the violation;~~
- ~~— (3) — The location of the violation;~~
- ~~— (4) — The date(s) of the violation;~~
- ~~— (5) — The amount or potential amount of the fine assessed;~~
- ~~— (6) — The manner, location and time in which the fine may be paid, or violation corrected, if applicable;~~
- ~~— (7) — The person's right to stand trial for the violation if applicable;~~
- ~~— (8) — A certification by the Director or his authorized agent attesting to the truth of the matters set forth.~~
- ~~— (C) — Whenever an alleged or possible civil plumbing infraction comes to the attention of the Director, the following procedures shall apply:~~
 - ~~— (1) — The Director will investigate whether an infraction has occurred;~~
 - ~~— (2) — If the Director finds that an infraction has occurred, he will issue a warning to the person(s) responsible in the form and manner as outlined in this section, with reasonable time stated to abate or to prevent future infractions;~~
 - ~~— (3) — If the infraction continues or is allowed to occur after the reasonable time stated, the Director will issue a citation to the person(s) responsible in the form and manner as outlined in this section. Notwithstanding the provision of step (2) above, the Director may issue a citation at step (2) without the prior issuance of a warning.~~
- ~~— (D) — A fine of \$200 is hereby imposed upon any person responsible for a civil plumbing infraction for each violation. Each day such violation is permitted to exist shall be considered a separate infraction. All fines shall be payable to the Treasurer of Frederick County, Maryland, in the office of the Department of Permits and Inspections.~~
- ~~— (E) — A person who receives a citation may elect to stand trial for the offense by filing with the Director a notice of intention to stand trial. The notice shall be given at least 10 days before the date of payment of the fines as set forth in the citation. Upon receipt of the notice of intention to stand trial, the Director shall forward to the District Court of Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for any civil plumbing infractions shall be remitted to the Treasurer of Frederick County, Maryland.~~

CAPITALIZED and/or underlined text indicates added text. Text which has been stricken through indicates deleted text.

EXHIBIT A

~~—(F)— If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person shall be liable for a fine of \$400 for each infraction. If after 35 days the citation is not satisfied, the Director may request adjudication of the case through the district court by the filing of civil judgement procedures.~~

~~—(G)— Adjudication of an infraction under this subsection is not a criminal conviction, nor does it impose any civil disabilities ordinarily imposed by a criminal conviction.~~

~~—(H)— In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Code, Art. 23A, § 3(B)(8) through (15). However, the County Attorney is hereby authorized to prosecute all civil plumbing infractions under this section.~~

~~—(I)— If a person is found by the district court to have committed a civil plumbing infraction, that person shall be liable for the costs of the proceedings in the district court.~~

~~—(J)— Depending on the circumstances of each case and after consultation with the County Attorney, the Director has the discretionary authority to reduce or suspend all or a portion of the fine payable through the Permits and Inspections Office.~~

~~—(K)— Nothing contained in this section shall prohibit or prevent the Director, or anyone else, from seeking other legal remedies, such as injunctions or criminal prosecution.~~

~~—(L)— Provisions of this section are in addition to, not in lieu of, those penalties specified in other sections of this chapter, specifically § 1-14-61.~~

~~—(M)— The fines specified in this section can be modified at any time by resolution of the Board of County Commissioners of Frederick County, after a duly advertised public hearing.~~

~~§§ 1-14-61—1-14-75. RESERVED.~~

DIVISION 2. INSPECTIONS

Explanatory Note: These sections were deleted because the requirements for inspections are covered under the provisions of the IPC.

~~§ 1-14-76. REQUIRED.~~

~~—All work done under the Plumbing Code shall be subject to inspection and approval by the Plumbing Inspector. The responsibility for requesting an inspection shall rest entirely with the person performing the work. No work shall be covered or concealed until it has been properly~~

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EXHIBIT A

inspected. Improper workmanship shall be remedied and unsatisfactory materials shall be replaced as ordered by the Inspector and after such corrections it shall be reinspected.

§ 1-14-77. FIRST INSPECTION.

—All soil lines, drains, vents and water lines inside of buildings shall be inspected after they are roughed in and before they are covered. All outside sewer facilities shall be inspected after installation and before covering. Any pump connected with a well or water line to a facility shall be inspected before being covered.

§ 1-14-78. FINAL INSPECTION.

—All work shall be given an inspection and receive final approval after all plumbing fixtures and appliances connected with the water or sewer systems are set, sewers and wells are covered.

§ 1-14-79. ADDITIONAL INSPECTIONS.

—In addition to the other required inspections, the Plumbing Inspector may make such other inspections as he deems necessary.

[Click here to view FIGURE 1003.2.2]

[NOTE: This reference to Figure 1002.2.2 should now immediately follow §1-14-59.]

§§ 1-14-60 – 1-14-89. RESERVED.

ARTICLE V: PERMITSCOPE AND ADMINISTRATION

§ 1-14-90. PERMITS REQUIRED.

- (A) No person shall perform any plumbing work as defined in the State Plumbing Code adopted in this chapter or install any plumbing appliance which affects or connects with any water supply, sewage disposal or plumbing system or remodel, alter or install any septic tank system or appliances connected with any water or sewer system without a permit issued by the Plumbing Inspector ADMINISTRATIVE AUTHORITY.

Explanatory Note: Changed for consistency with the entire Plumbing Ordinance

- (B) — If any system alteration or addition to the sewer system is determined necessary by the Plumbing Inspector, the owner must obtain a permit from the Health Department as set forth under septic system construction permit. Upon installation of such appliance the installation shall be inspected. Nothing herein shall prohibit installation of an appliance as aforesaid by the purchaser and ultimate consumer; provided, he makes the proper application, secures the proper permit and the job is inspected by the Plumbing Inspector after completion.

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EXHIBIT A

(C) *Refusal.* The Director of Permits and Inspections may refuse to issue new permits to any person who has not corrected previous code violations, recognized their responsibility and agreed to correct such violations within a reasonable time or has made proper appeal application if there is a dispute as to whether there is a violation.

Explanatory Note: The language of §1-14-90(C) is now found at new §1-14-90.2.

§ 1-14-90.1. EXEMPT WORK.

THE FOLLOWING WORK SHALL BE EXEMPT FROM THE REQUIREMENT FOR A PERMIT:

1. THE STOPPING OF LEAKS IN DRAINS, WATER, SOIL, WASTE OR VENT PIPE, PROVIDED, HOWEVER, THAT IF ANY CONCEALED TRAP, DRAINPIPE, WATER, SOIL, WASTE OR VENT PIPE BECOMES DEFECTIVE AND IT BECOMES NECESSARY TO REMOVE AND REPLACE THE SAME WITH NEW MATERIAL, SUCH WORK SHALL BE CONSIDERED NEW WORK WHICH IS NOT EXEMPT, AND A PERMIT SHALL BE OBTAINED AND INSPECTION MADE AS PROVIDED IN THIS CHAPTER.
2. THE CLEARING OF STOPPAGES OR THE REPAIRING OF LEAKS IN PIPES, VALVES OR FIXTURES, AND THE REMOVAL AND REINSTALLATION OF WATER CLOSETS, PROVIDED SUCH REPAIRS DO NOT INVOLVE OR REQUIRE THE REPLACEMENT OR REARRANGEMENT OF VALVES, PIPES OR FIXTURES.

EXEMPTION FROM THE PERMIT REQUIREMENTS OF THIS CODE SHALL NOT BE DEEMED TO GRANT AUTHORIZATION FOR ANY WORK TO BE DONE IN VIOLATION OF THE PROVISIONS OF THIS CODE OR ANY OTHER APPLICABLE LAWS OR ORDINANCES.

§ 1-14-90.2 REFUSAL.

THE ADMINISTRATIVE AUTHORITY MAY REFUSE TO ISSUE NEW PERMITS TO ANY PERSON WHO HAS NOT: CORRECTED PREVIOUS CODE VIOLATIONS, RECOGNIZED THEIR RESPONSIBILITY, AND/OR AGREED TO CORRECT SUCH VIOLATIONS WITHIN A REASONABLE TIME; OR TO ANY PERSON WHO HAS NOT MADE PROPER APPEAL APPLICATION IF THERE IS A DISPUTE AS TO WHETHER A VIOLATION HAS OCCURRED.

§ 1-14-91. APPLICATION GENERALLY.

Application for a permit for plumbing work shall be made on forms prepared and provided by the Plumbing Inspector's office DEPARTMENT OF PERMITS AND INSPECTIONS. All applications must be accompanied by the appropriate fee computed in accordance with the schedule

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EXHIBIT A

of fees set forth in this article. Such applications must be signed by the master plumber holding a county plumbing license and doing the work. Such application shall give the location and description of the property and the description of the proposed plumbing work. If, in the opinion of the Plumbing Inspector, the description is not adequate to cover the proposed work, 2 sets of plans in such detail as is necessary must be submitted to the Plumbing Inspector when application is made. All plans shall be in accordance with the Plumbing Code.

§ 1-14-91.1. SPECIAL PROVISIONS FOR HOMEOWNERS.

If the plumbing permit is for work to be done by the property owner himself, such permit shall not be issued unless such property owner signs a homeowner's affidavit stating that he occupies or will immediately occupy the house himself. The licensing provisions of §1-14-1 shall not apply to the owner of a residential single family dwelling wherein he or she resides or is about to reside, who obtains a homeowner's plumbing permit. To obtain this permit the owner must sign a homeowner's affidavit on file in the Office of Permits and Inspections, and successfully pass with a grade of 70% or more an examination, which will consist of 10 code questions. This examination will be given in the Office of Permits and Inspections and will be an open book examination but without the assistance of any other person. This examination will not be allowed to be taken outside of the Office of Permits and Inspections. The questions for the examination will be determined by the Chairperson of the Advisory Plumbing Board, the Chief Plumbing Inspector, and the Director of Permits and Inspections-ADMINISTRATIVE AUTHORITY. The owner will be required to produce a photo identification before being allowed to take the examination. The owner of a residential dwelling who signs a homeowner's affidavit for a plumbing permit, after successfully passing an examination, shall have his or her permit granted. The owner can do plumbing work except for natural and propane gas piping. All such private work must be inspected and meet all requirements of this chapter before it is ready for use or the work covered or closed.

§ 1-14-92. SPECIAL PROVISIONS FOR PRIVATE WATER AND SEWER SYSTEMS.

— All applications for connections to public water and sewer systems shall give an exact location of the building site, the owner thereof, the licensed county plumber, the builder, size of such property and the type of water supply or disposal system. After such application has been duly processed by the Plumbing Inspector's office it shall be delivered to the County Health Department for processing and approval. When approved by the County Health Department as to sanitary health requirements, the application shall be returned to the office of the Plumbing Inspector who shall issue to the applicant a septic system construction permit upon payment of fees as set forth in this article.

Explanatory note: Section 1-14-92 is being deleted as it is outdated and unnecessary.

[Sections 1-14-93 through 1-14-94 remain unchanged]

§ 1-14-95. TRANSFER.

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EXHIBIT A

If the plumber to whom a permit has been issued does not complete the work for which a permit was issued, upon a written request from the owner of the premises for which the permit was issued or other person or entity who hired the plumber to do the work, the permit shall be canceled by the Director of Permits and Inspections ADMINISTRATIVE AUTHORITY. The Director of Permits and Inspections ADMINISTRATIVE AUTHORITY is hereby authorized to issue another permit.

§ 1-14-96. EXPIRATION.

All plumbing permits shall expire 1 year from the date issued EXCEPT WHERE AN EXTENSION HAS BEEN GRANTED BY THE ADMINISTRATIVE AUTHORITY. ANY PERMITTEE HOLDING AN UNEXPIRED PERMIT SHALL BE ALLOWED TO APPLY FOR AN EXTENSION. EACH PERMIT MAY BE EXTENDED FOR ONE YEAR. THE FEE FOR AN EXTENSION SHALL BE THE FEE AS SET BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS.

Explanatory Note: Changes to §1-14-96 were made to provide clarification consistent with our current adopted fee schedule.

§ 1-14-97 APPLIANCE INSTALLERS.

— (A) *Definition.* Appliances are limited to only those that fall within the specific license subcategory classifications of this section. All pressure vessels are excluded and must be installed by a Frederick County licensed master plumber.

— (B) *Permit required issuance.* No plumbing appliance shall be installed without a permit from the Frederick County Plumbing Inspector. Such permit shall be issued in accordance with § 1-14-97, provided that appliances may be installed by either a licensed plumber or licensed appliance installer.

— (C) *Application, fee, certificate of insurance.* All appliance installers shall make application approved by the Frederick County Advisory Plumbing Board accompanied by:

- (1) A copy of their Maryland state license or a license from a jurisdiction recognized by the State of Maryland;
- (2) Proof that the applicant has no outstanding Frederick County Code violations;
- (3) A fee as set by resolution of the Board of County Commissioners; and
- (4) A certificate of insurance in the amount of \$300,000 for property damage and liability insurance in the amount of \$100,000, making the total property damage and liability insurance required to be \$400,000.

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EXHIBIT A

~~—(D) *Inspection and approval of installations.* All appliance installations shall be inspected and approved under the pertinent provisions of this chapter.~~

~~—(E) All appliance installers shall have their service vehicles labeled with their name as it appears on their state license and their state and county license numbers.~~

~~—(F) *Subcategory of appliance installers license.* Only those subcategory licenses listed below are permitted.~~

~~—(1) *LP gas appliance installers license.*~~

~~—(a) *Requirements for license.*~~

~~—1. A valid license of:~~

~~—a. A propane gas fitters certificate issued by the State of Maryland; or~~

~~—b. Any other jurisdiction's LP gas license recognized by the State of Maryland;~~
~~and~~

~~—2. Insurance as required by § 1-14-97(C).~~

~~—(b) *Scope of work.*~~

~~—1. All permits must be secured by a Frederick County licensed LP gas appliance installer.~~

~~—2. All journeypersons will be licensed in accordance with § 1-14-1(B) of the Plumbing Ordinance.~~

~~—(2) *Natural gas appliance installers license.*~~

~~—(a) *Requirements for license.*~~

~~—1. A valid license of: any jurisdiction's natural gas license recognized by the State of Maryland, W.S.S.C., Baltimore County or Baltimore City; and~~

~~—2. Insurance as required by § 1-14-97(C).~~

~~—(b) *Scope of work.*~~

~~—1. All permits must be secured by a Frederick County licensed natural gas appliance installer.~~

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EXHIBIT A

~~2. All journey persons will be licensed in accordance with § 1-14-1(B) of the Plumbing Ordinance.~~

~~(3) Pool installers license.~~

~~(a) Requirements for license.~~

~~1. A Maryland home improvement contractor's license; and~~

~~2. Insurance as required in § 1-14-97(C).~~

~~(b) Scope of work.~~

~~1. This license permits the installation of a backflow device to an existing hose bib for a residential pool, hot tub, or spa.~~

~~2. New water lines and commercial installations are prohibited.~~

~~(4) Water treatment installers license.~~

~~(a) Requirements for license.~~

~~1. A water conditioner installer or well driller in the water supply category, as licensed by the State of Maryland Board of Well Drillers; and~~

~~2. Insurance as required by § 1-14-97(C).~~

~~(b) Scope of work.~~

~~1. This license permits water treatment appliances to be installed on existing water and sewer systems only.~~

~~2. All journey persons will be licensed in accordance with § 1-14-1(B) of the Plumbing Ordinance.~~

~~(G) Time extension for license holders. Holders of a Frederick County appliance installer's license as of January 1, 1998, are permitted to continue working under their current license and are not required to comply with the above licensing requirements until their license is to be renewed on November 13, 1999. Such licensee may request a time extension, prior to the expiration of their current license, from the Advisory Plumbing Board in order to obtain a license beyond the November 13, 1999, renewal date, pending demonstration that they are diligently pursuing a license required under § 1-14-97(F).~~

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EXHIBIT A

~~—(H) Term for new categories; appeal to Advisory Plumbing Board. All licenses issued under a new category shall be issued for a maximum period of 2 years, but may be refused or revoked by the Director of Permits and Inspections in the event it is shown that such applicant is either unable or unwilling to properly perform his or her work. For classification, this action of the Director may be appealed to the Frederick County Advisory Plumbing Board, which action is stayed until after the Board's decision if there is an appeal.~~

~~—(I) Final inspection required. All permits issued under this section are required to have final inspections. Failure to secure the final inspection may result in no further permits being issued by the Permits and Inspections Department, per § 14-90(C).~~

§1-14-97. SUSPENSION OR REVOCATION

THE ADMINISTRATIVE AUTHORITY SHALL HAVE THE AUTHORITY TO SUSPEND OR REVOKE A PERMIT ISSUED UNDER THE PROVISIONS OF THIS CODE WHEREVER THE PERMIT IS ISSUED IN ERROR OR ON THE BASIS OF INCORRECT, INACCURATE OR INCOMPLETE INFORMATION, OR IN VIOLATION OF ANY ORDINANCE OR REGULATION OR ANY OF THE PROVISIONS OF THIS CODE.

Explanatory Note: The next two sections were formerly designated as §§1-14-62 and 1-14-61, respectively. These sections were moved here because they are administrative and apply to the entire Chapter.

§ 1-14-98. CIVIL PLUMBING INFRINGEMENTS.

(A) PURSUANT TO § 2-2-29 OF THE FREDERICK COUNTY CODE, ANY VIOLATION OF ANY OF THE PROVISIONS OF THIS ENTIRE CHAPTER, WHICH IS CHAPTER 1-14 ENTITLED "PLUMBING," IS A CIVIL PLUMBING INFRACTION. IF, AFTER INVESTIGATION, A CIVIL PLUMBING INFRACTION IS BELIEVED TO EXIST, THE FREDERICK COUNTY ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT SHALL DELIVER A CITATION OR WARNING TO THE PROPERTY OWNER OR ANY OTHERS RESPONSIBLE FOR THE CIVIL PLUMBING INFRACTION. IF THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT IS UNABLE TO LOCATE THE OWNER OR OTHER RESPONSIBLE PARTY, THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT MAY POST THE CITATION OR WARNING IN A CONSPICUOUS PLACE ON THE PROPERTY AND MAIL A COPY OF SAME TO THE OWNER OR OTHER RESPONSIBLE PERSON, WHICH SHALL BE SUFFICIENT FOR DELIVERY OF THE WARNING OR CITATION UNDER THIS SECTION.

(B) THE CITATION OR WARNING, AS PROVIDED FOR IN THIS SECTION, SHALL BE IN WRITING AND SHALL CONTAIN THE FOLLOWING:

(1) THE NAME AND ADDRESS OF THE PERSON CHARGED OR WARNED;

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EXHIBIT A

- (2) THE NATURE OF THE VIOLATION;
- (3) THE LOCATION OF THE VIOLATION;
- (4) THE DATE(S) OF THE VIOLATION;
- (5) THE AMOUNT OR POTENTIAL AMOUNT OF THE FINE ASSESSED;
- (6) THE MANNER, LOCATION AND TIME IN WHICH THE FINE MAY BE PAID, OR VIOLATION CORRECTED, IF APPLICABLE;
- (7) THE PERSON'S RIGHT TO STAND TRIAL FOR THE VIOLATION IF APPLICABLE;
- (8) A CERTIFICATION BY THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT ATTESTING TO THE TRUTH OF THE MATTERS SET FORTH.
- (C) WHENEVER AN ALLEGED OR POSSIBLE CIVIL INFRACTION COMES TO THE ATTENTION OF THE ADMINISTRATIVE AUTHORITY, THE FOLLOWING PROCEDURES SHALL APPLY:
- (1) THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT WILL INVESTIGATE WHETHER A VIOLATION HAS OCCURRED;
- (2) IF THE ADMINISTRATIVE AUTHORITY FINDS THAT A VIOLATION HAS OCCURRED, A WARNING WILL BE ISSUED TO THE PERSON(S) RESPONSIBLE IN THE FORM AND MANNER AS OUTLINED IN THIS SECTION, WITH REASONABLE TIME STATED TO ABATE OR TO PREVENT FUTURE INFRACTIONS;
- (3) IF THE VIOLATION CONTINUES OR IS ALLOWED TO OCCUR AFTER THE REASONABLE TIME STATED, THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT WILL ISSUE A CITATION TO THE PERSON(S) RESPONSIBLE IN THE FORM AND MANNER AS OUTLINED IN THIS SECTION. NOTWITHSTANDING THE PROVISION OF STEP (2) ABOVE, THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT MAY ISSUE A CITATION AT STEP (2) WITHOUT THE PRIOR ISSUANCE OF A WARNING.
- (D) A FINE OF \$200 SHALL BE IMPOSED UPON ANY PERSON RESPONSIBLE FOR EACH CIVIL PLUMBING INFRACTION. EACH DAY THAT A VIOLATION EXISTS SHALL BE CONSIDERED A SEPARATE CIVIL PLUMBING INFRACTION. ALL FINES SHALL BE PAYABLE TO THE TREASURER OF FREDERICK COUNTY, MARYLAND, IN THE OFFICE OF THE DEPARTMENT OF PERMITS AND INSPECTIONS.
- (E) A PERSON WHO RECEIVES A CITATION MAY ELECT TO STAND TRIAL FOR THE CIVIL PLUMBING INFRACTION BY FILING WITH THE ADMINISTRATIVE

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EXHIBIT A

AUTHORITY A NOTICE OF INTENTION TO STAND TRIAL. THE NOTICE SHALL BE DELIVERED TO THE ADMINISTRATIVE AUTHORITY AT LEAST 10 DAYS BEFORE THE DUE DATE FOR PAYMENT OF THE FINES AS SET FORTH IN THE CITATION. UPON RECEIPT OF THE NOTICE OF INTENTION TO STAND TRIAL, THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT SHALL FORWARD TO THE DISTRICT COURT OF FREDERICK COUNTY, MARYLAND, A COPY OF THE CITATION AND THE NOTICE OF INTENTION TO STAND TRIAL. UPON RECEIPT OF THE CITATION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE. ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE DISTRICT COURT FOR ANY CIVIL PLUMBING INFRACTION SHALL BE REMITTED TO THE TREASURER OF FREDERICK COUNTY, MARYLAND.

(F) IF A PERSON WHO RECEIVES A CITATION FOR A CIVIL PLUMBING INFRACTION FAILS TO PAY THE FINE BY THE PAYMENT DATE SET FORTH ON THE CITATION AND FAILS TO FILE A NOTICE OF INTENTION TO STAND TRIAL AT LEAST 10 DAYS PRIOR TO THE PAYMENT DATE, A FORMAL NOTICE OF THE CIVIL PLUMBING INFRACTION SHALL BE SENT TO THE PERSON'S LAST KNOWN ADDRESS. IF THE CITATION IS NOT SATISFIED WITHIN 15 DAYS FROM THE DATE SPECIFIED ON THE NOTICE, THE PERSON SHALL BE LIABLE FOR A FINE OF \$400 FOR EACH CIVIL PLUMBING INFRACTION. IF THE CITATION IS NOT SATISFIED WITHIN 35 DAYS OF THE DATE SPECIFIED ON THE FORMAL NOTICE, THE ADMINISTRATIVE AUTHORITY MAY REQUEST ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT BY FOLLOWING APPROPRIATE CIVIL PROCEDURES.

(G) ADJUDICATION OF A CIVIL PLUMBING INFRACTION UNDER THIS SUBSECTION IS NOT A CRIMINAL CONVICTION, NOR DOES IT IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

(H) IN A PROCEEDING BEFORE THE DISTRICT COURT, THE VIOLATION SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS SET FORTH FOR MUNICIPAL INFRACTIONS IN MD. CODE, ART. 23A, § 3(B)(8) THROUGH (15). HOWEVER, THE COUNTY ATTORNEY IS HEREBY AUTHORIZED TO PROSECUTE ALL CIVIL PLUMBING INFRACTIONS UNDER THIS SECTION.

(I) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE COMMITTED A CIVIL PLUMBING INFRACTION, THAT PERSON SHALL BE LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT.

(J) DEPENDING ON THE CIRCUMSTANCES OF EACH CASE AND AFTER CONSULTATION WITH THE COUNTY ATTORNEY, THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT HAS THE DISCRETIONARY AUTHORITY TO REDUCE OR SUSPEND ALL OR A PORTION OF THE FINE PAYABLE THROUGH THE PERMITS AND INSPECTIONS OFFICE.

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EXHIBIT A

(K) NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT OR PREVENT THE ADMINISTRATIVE AUTHORITY OR AUTHORIZED AGENT FROM SEEKING OTHER LEGAL REMEDIES, SUCH AS INJUNCTIONS OR CRIMINAL PROSECUTION.

(L) PROVISIONS OF THIS SECTION ARE IN ADDITION TO, NOT IN LIEU OF, THOSE PENALTIES SPECIFIED IN OTHER SECTIONS OF THIS CHAPTER.

(M) THE FINES SPECIFIED IN THIS SECTION MAY BE MODIFIED AT ANY TIME BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY.

§ 1-14-99. PENALTIES.

ANY PERSON, WHETHER INDIVIDUALLY OR AS A MEMBER OR EMPLOYEE OF A PARTNERSHIP, OR AN OFFICER, AGENT OR EMPLOYEE OF A CORPORATION, WHO DIRECTS OR KNOWINGLY PERMITS ANY VIOLATION OF ANY OF THE PROVISIONS OF THIS CHAPTER, OR ANY RULE OR REGULATION DULY PROMULGATED HEREUNDER, OR WHO AIDS OR ASSISTS THEREIN, EITHER ON HIS OR HER OWN BEHALF OR IN THE INTERESTS OF HIS OR HER EMPLOYER OR PRINCIPAL SHALL, UPON CONVICTION THEREOF BY A COURT OF COMPETENT JURISDICTION, BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$100 OR BY IMPRISONMENT FOR NOT MORE THAN 30 DAYS, OR BOTH, FOR EACH SEPARATE VIOLATION. EVERY DAY SUCH VIOLATION EXISTS SHALL CONSTITUTE A SEPARATE OFFENSE AND BE PUNISHABLE AS SUCH.

CAPITALIZED and/or underlined text indicates added text. Text which has been ~~stricken through~~ indicates deleted text.

Frederick County Maryland

Proposed Board of Building Code Appeals

Appeals Process

The Board of Building Code Appeals shall have jurisdiction to hear and decide appeals where it is alleged that there is error in any order, requirement or decision made by the Building Official (Director of DPDR or his designee). The board shall have five citizen members and shall meet on an on call basis. The Board shall consist of members who are qualified by experience and training to pass judgment on matters pertaining to building construction and are not employees of Frederick County. At least three of the members must have ten years experience as a licensed architect, builder, superintendent of building construction or licensed professional engineer with structural, civil or mechanical engineering experience. The Board shall adopt procedures for conducting its business.

Minimum Requirements for Code Appeals

This information describes the process for submitting a Code Appeal.

What is a Code Appeal?

A code appeal is the act of challenging the decisions made by the Building Official as it relates to the interpretation of the Building Codes or the Adopting Ordinances. An application for appeal must clearly demonstrate that the intent of the Building Codes or Adopting Ordinances has been either one of the following:

- a) Misinterpreted
- b) Does not apply
- c) Replaced by a better method of construction

It must be understood that the board has no authority to waive the requirements of the Building Codes or adopted Amendments or Ordinances.

Forms to complete for submission:

- a) Application form
- b) A statement that describes the scope of work and the proposed appeal. Describe the applicable code section that applies (or doesn't) to the work.
- c) At the applicant's discretion, letters supporting the claims of the appeal may be submitted. The letters may be from design professionals and others affected by the code.

Frederick County Maryland

Submission:

Application forms and all supporting documents shall be submitted to the Division of Permits and Development Review, Manager of Plans Review Services, 30 North Market Street, Frederick, MD 21701

Fees

All applications must be accompanied by a _____ application fee. Make checks payable to Treasurer, County of Frederick MD. Application fees are non-refundable, regardless of the Board's decision.

Appeals Process

Filing Procedure: An applicant may file for an appeal within thirty (30) days of a code determination/interpretation that has been made by a building official. The application must thoroughly describe the reason for the claim.

Meeting Date: The Board of Code Appeals meets on an on call basis. Information regarding the appeal will be forwarded to the Building Official. At which time, the Building Official will determine a meeting date. The Building Official will also be responsible for informing other members of the Board about the meeting date. The applicant will be notified in writing of the meeting date.

Procedure at the Appeals Hearing: At the hearing, the applicant should be prepared to present the issues cited in the application and give reasons why the appeal should be granted. An applicant may call on representatives (architect, engineer, contractor, etc...) to speak on his behalf.

Board Powers: The Board of Appeals may reverse, affirm or modify the order, decision or determination of the building official.

Board Decisions: The decision of the Board of Appeals shall be by majority vote. The building official shall take immediate action in accordance with the board's decision. Any decision made by the board may be further appealed to the Frederick County Board of County Commissioners.



**FREDERICK COUNTY BUILDING CODE APPEAL BOARD
APPLICATION FORM**

SECTION 1

BUILDING INFORMATION:

Address: _____

City: _____

Building Type (office, apartment, house, etc.): _____

Code Classification (Group, Division): _____

Applicable Code: _____ Building Code (IRC/IBC)

APPEAL SUMMARY

Code Reference Number(s): _____

Brief Summary of Dispute: _____

APPELLANT

Name: _____ Phone: () _____

Company: _____ Fax: () _____

Street: _____ E-mail: _____

City: _____ Postal Code: _____

Documentation Attached (6 copies required):

Written Documentations Details and/or Plans

Signature: _____ Date: _____

SECTION 2

BUILDING OFFICIAL

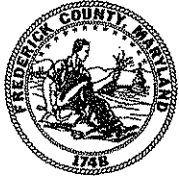
Name: _____ Phone: () _____

Municipality: _____ Fax: () _____

Street: _____ E-mail: _____

City: _____ Postal Code: _____

Signature: _____ Date: _____



PERMITTING AND DEVELOPMENT REVIEW DIVISION
FREDERICK COUNTY, MARYLAND
Department of Permits and Inspections

30 North Market Street • Frederick, Maryland 21701
Phone (301) 600-2313 • Fax (301) 600-2309

Frederick County Building Code Insulation Inspections

- Mandated by the State of Maryland's adoption of the International Energy Conservation Code (IECC) effective January 1, 2010. Frederick County target effective date of July 1, 2010.
- Goals of the IECC
 - To address energy conservation requirements for all aspects of energy uses in both commercial and residential construction.
 - To ensure that building envelopes are designed to be energy efficient.
 - To require that the installation of energy efficient mechanical, lighting and power systems emphasize performance thereby saving resources.
 - To require designs that will result in the optimal utilization of fossil fuels and nondepletable resources.
- Revised sequence of Building Inspections to incorporate Insulation Inspection
 - Framing Inspection – Check for current requirements with new emphasis on:
 - Verify Shear Wall Bracing installation
 - Verify Wind Bracing installation
 - Verify Sheathing installation
 - Verify Floor to Floor/Foundation connections for Wind Shear
 - No Siding or Brick Veneer to be installed at this stage
 - Mechanical, Electric, Plumbing and Fire Systems rough-ins inspected.
 - Verify MEP installation did not compromise framing.
 - Insulation Inspection – Close in Inspection
 - Final Inspection
 - Verify Insulation in Attic and Unfinished Basements



PERMITTING AND DEVELOPMENT REVIEW DIVISION
FREDERICK COUNTY, MARYLAND
Office of Permitting and Inspections

30 North Market Street Frederick, Maryland 21701

301-600-3463 FAX: 301-600-3464 TTY: Use Maryland Relay Service

www.frederickcountymd.gov

CLOSE IN/INSULATION INSPECTION

References are as follows; R= IRC International Residential Code, IPC= International Plbg Code, IECC= 2009

International Energy Conservation Code

VERIFICATION REQUIRED FOR INSPECTION SIGN OFF.

- ☐ Job address is posted in a visible location. (R321)
- ☐ Permanent certificate posted on or in electrical distribution panel. (IECC 401.3)
- ☐ Permit and approved plans are on site and accessible to the inspector.
- ☐ Previous required inspections are signed off (rough-in plumbing, mechanical, electrical, and framing inspections).
- ☐ Slab/ foundation insulation installed correctly.
- ☐ The newly constructed area is dried in (roofing is complete and exterior moisture barriers are installed).
- ☐ Insulation is installed at roof, walls, and floors at the thickness indicated by prescriptive requirements unless superseded by a design professional (IECC Table 402.1.1).
- ☐ Prescriptive Insulation Requirements for Residential Occupancies.
- ☐ Any insulation with facings, vapor barriers, or breathable papers, installed within floor/ceiling or roof/ceiling assemblies, walls crawl spaces, under-stair voids, or attics, has a flame spread rating of less than 25 and a smoke density not to exceed 450. (Exception: Unfaced insulation is okay when concealed in areas previously mentioned.) (R302.10.1)

- ☐ Insulation is securely installed at walls not being fully enclosed (fireplaces, crawl space walls, etc.)
- ☐ All recessed light fixtures are IC (insulation contact) rated or enclosed within a sealed assembly per NEC, or provide 3" minimum clearance from fixture to insulation (IECC 402.4.5).
- ☐ Baffles are installed that allow ventilation into the attic space through eave vents. There is a minimum 1" clear over the top of insulation. Baffles are made of rigid material resistant to wind-driven moisture.
- ☐ R-Value markers installed in the attic, showing the installed thickness and maximum settling thickness, and installed every 300 square feet facing the access. (IECC 303.1.1.1)
- ☐ Attic access framing in place to keep insulation from falling through access hole. (IECC 402.2.3)
- ☐ The vapor barrier is to be installed to warm side of wall, floor, or ceiling.
- ☐ The water lines and plumbing to be on the warm side of insulation in walls. (IPC 305.6)
- ☐ Caulking and sealing around fenestration, piping, etc done correctly.
- ☐ Crawl space insulation is adequately supported.
- ☐ Insulation is not blocking the foundation vents.
- ☐ Insulation is tight to the floor decking and to the rim joist. Rim joist is fully batted.
- ☐ Designed and constructed to meet requirements of the 2009 Edition of the International Energy Conservation Code.

ENERGY COMPLIANCE INFORMATION CERTIFICATE

Section 401.3 of Residential Energy Code requires a permanent certificate to be posted on or in the electrical distribution panel. The certificate should be completed by the builder or registered design professional.

Predominant Values

Windows Fenestration. List the installed values.

U-factor	SHGC

☐ Value Averaged

Using the table below, indicate what R- values and type of insulation will be used.

Ceiling	Wall	Floor	Crawl Space

☐ Value Averaged

Insulation Type: ☐ Batt ☐ Spray ☐ Foam ☐ Other: _____

HVAC

Equip. Type _____ SEER _____ Duct Insulation _____
(Split System, Package Unit)

Service Water Heating

Equip. Type _____ Efficiency _____ Pipe Insulation _____
(Size of Equip)

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RealGreen Mid-Atlantic Conference & Expo

June 21-23 at DC Convention Center

Complete information at www.realgreenconference.org

The U.S. Green Building Council, National Capital Region Chapter presents RealGreen Mid-Atlantic Conference: Green Building in a New Era. This Conference will provide an opportunity to participate in a practical and inclusive conversation about what sustainability means in the Mid-Atlantic and how to continue the shift to a greener built environment.

The conference will focus on real progress and solutions to environmental concerns that we face every day and will highlight the region's unique strength as a center of national and global importance in areas including Federal, State and Local Policy, Higher Education, Healthcare, Residential, Commercial, and Government.

**Continuing Education Credits Available*

Why Attend!

- Learn from regional and national experts about real green building solutions and successes
- Engage and network with other green building and sustainability professionals
- See the most innovative new products and services in the exhibit hall
- Celebrate at the RealGreen Extravaganza—an evening of fun, food, music and friends!

Who Should Attend!

- Green building professions including architects, engineers, planners, landscape architects, contractors, government representatives, suppliers, interior design professionals, building owners and managers, manufacturing, transportation, schools/academia and NGOs.

Costs

- USGBC or USGBC Chapter Member \$325
- Non-Profit Organization/Government \$350
- Non Members (Corporate) \$450
- Student \$125

Keynote Speakers



Gregory Kats

Opening Keynote Speaker
Energy Efficiency and Green Building Expert

Gregory Kats is Senior Director, and Director for Climate Change Policy at Good Energies Inc, a multi-billion dollar global clean energy investor, where he leads the firm's investments in energy efficiency and green buildings. He is sustainability advisor to CalPERS, and is a Senior Advisor to and serves on the investment committee of Osmosis Capital, a London-based low carbon investment firm.



Robert F. Kennedy, Jr.

Closing Keynote Speaker
Visionary Environmental Business Leader and Advocate

Robert F. Kennedy Jr.'s reputation as a resolute defender of the environment stems from a litany of successful legal actions. Mr. Kennedy was named one of TIME magazine's "Heroes for the Planet" for his success in helping Riverkeeper lead the fight to restore the Hudson River. The group's achievement helped spawn more than 160 Waterkeeper organizations across the globe. In 2009, he was named one of Rolling Stone's "100 Agents of Change."



OFFICE OF ENVIRONMENTAL SUSTAINABILITY FREDERICK COUNTY, MARYLAND

Winchester Hall ☐ 12 East Church Street ☐ Frederick, Maryland 21701

301-600-7414 ☐ FAX: 301-600-1849 ☐ TTY: Use Maryland Relay

www.frederickcountymd.gov/sustainability



OVERVIEW OF FREDERICK COUNTY SUSTAINABILITY INITIATIVES

Status: February 2010

Frederick County Government has a fundamental commitment to its constituents to make decisions that protect the economic, social, and environmental health of the community. Making decisions and taking action that is sustainable recognizes the "big picture" and takes into account the impact on future generations as well as today's pressing needs. Sustainability is a systematic, integrating principle that the Board of County Commissioners has endorsed to guide local decision-making that gives equal consideration to the economy, society, and environment. Frederick County Government is committed to lead by example, promote public participation, and engage in community partnerships that improve our quality of life and protect the natural systems that sustain life.

Office of Environmental Sustainability (OES)

Established by the Board of County Commissioners in 2008, the Office of Environmental Sustainability (OES) brings together community partners to build a sustainable future for the region. The OES collaborates with County departments, businesses, citizens, and other organizations to advance practices, policies, and partnerships that:

- Protect and restore our critical natural resources;
- Minimize the environmental impact of the built environment;
- Reduce overall energy consumption and;
- Strengthen the social and economic health of the County.

Staff

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Funding

In 2009, the OES was awarded a three-year \$659,800 Energy Efficiency and Conservation Block Grant (EECBG) from the U.S. Department of Energy to initiate green building, energy conservation, and renewable energy programs. The following initiatives marked with an asterisk (*) below are funded by this EECBG grant.

LEADING BY EXAMPLE – CURRENT INTERNAL INITIATIVES

Sustainable Action Teams

To effectively lead by example through the county's own sustainable practices, the OES coordinates an internal staff team comprised of 33 members representing 23 Divisions/Agencies. The Sustainable Action Teams' mission is to integrate sustainable practices into county operations. They are currently developing a *Sustainable Action Plan for County Operations* that will be presented to the BOCC in April 2010. The Plan proposes a coordinated strategy and direction for these six program areas:

- Transportation Alternatives
- Renewable Energy and Energy Conservation
- Natural Systems and Green Infrastructure
- Building Standards and Sustainable Design
- Green Purchasing
- Waste Reduction and Recycling

Greenhouse Gas Inventory*

Frederick County is in the process of completing a baseline inventory of its greenhouse gas emissions for the calendar year 2007. The inventory will quantify the emissions associated with the energy consumed by county government facilities and operations, as well as that of the various sectors of the community-at-large (residential, commercial, industrial, etc.). This 2007 baseline inventory will identify the greatest sources of county emissions and be a useful tool for tracking and forecasting emissions, developing and setting reduction goals and targets, and measuring the progress of the county's emission reduction activities and energy efficiency programs. Inventory completion is expected in late spring of 2010.

Renewable Energy Demonstration Project*

A solar domestic water pre-heating system will be installed at the Adult Detention Center which has the capacity to house up to five-hundred inmates and is the highest hot water user when compared to other County-owned and operated buildings. This system will reduce natural gas consumption for water heating by up to 80% through the use of solar energy. This project will also be used to provide community education and outreach to promote the use of renewable energy resources county-wide.

Energy Efficiency Retrofits & Energy Management Assessments*

Frederick County will implement three energy efficiency upgrade/renovation projects identified in completed building energy assessments: 1) 450+ incandescent fixtures in the County Courthouse will be replaced with LED fixtures; 2) 33 lighting fixtures at Highway truck sheds lighting will be upgraded to LED fixtures with timers with manual override options; and 3) The HVAC units at Pinecliff Park's Browning Building will be upgraded to include variable speed air-handlers and 16-SEER heat pumps that will increase the building's energy efficiency by an estimated 40%. To continue making measurable

progress towards environmental and sustainability goals, Frederick County will also implement 17 additional Energy Management Assessments to help guide future retrofit projects.

Comprehensive Energy Plan

In accordance with the county's 2007 – 2011 Strategic Plan, the Management Services Division is developing a comprehensive energy plan which establishes annual definitive goals to reduce the county's use of non-renewable energy over a 15-year period in its office buildings, facilities, and vehicle fleet by 50% or more. The plan will be completed in the spring of 2010.

Future Directions

Planned and prospective projects currently being developed or researched

Green Building & Comprehensive Energy Program*

These two programs will institutionalize energy efficiency, renewable energy and green building as priorities and will coordinate efforts throughout the local government and the community. The initiative got underway in January 2010 with the hiring of the Sustainability Program Coordinator.

Specific Green Building Program outcomes include development of the Frederick County Green Building Program guided by an adopted green building policy for both public and private sector development; amendments to the building code (i.e. building envelope thermal performance, heating and cooling equipment, ductwork, indoor air quality, ventilation, energy usage, and water conservation), zoning ordinance, and associated development regulations to implement the program; staff training and development; and training and outreach targeted to building professionals and consumers.

Specific Energy Program Outcomes include development of energy reduction and conservation strategies for the community-at-large based on the Greenhouse Gas Inventory; refinement of the county's internal energy reduction strategy; comprehensive public education campaigns that integrates the County's energy, green building, and sustainability goals; and education and training in energy efficiency, sustainable design and green building principles for employees.

Project Sunburst

The OES, in partnership with the Sustainability Commission, is exploring Project Sunburst, an upcoming initiative of the Maryland Energy Administration (MEA). The current program structure under consideration utilizes a Power Purchase Agreement between a local jurisdiction and a private developer. The state would provide seed money to a private developer to install and own the onsite renewable energy system. This enables the private developer to take advantage of federal and state tax credits that help to lower the cost of the system for the end user, the County. The County would agree to purchase clean energy from the project over an agreed-upon term. Other arrangements such as a lease with option to purchase will be explored through the feasibility analysis

COMMUNITY INITIATIVES

Sustainability Commission

The BOCC established the Frederick County Sustainability Commission as a way to engage the broader community in the county's sustainability efforts. In order to hear the collective voices of the community, the BOCC appointed 13 citizens with expertise in energy, agriculture, local foods, land use, land preservation, green building practices, water quality, recycling/waste reduction, small/local business, human/environmental health, and community/grassroots environmental efforts. The Commission is currently developing a work plan to define their priorities for the next year. The mission of the Commission is to advance and accelerate the adoption of measurable strategies that solve environmental problems, protect critical natural resources, and strengthen our social and economic health now and in the future.

Home Energy Audits*

As a component of the Frederick County Comprehensive Energy Program, the county will implement a Home Energy Audit Pilot Project targeted to the county's 84,000 residential households. The demonstration project will provide free home energy audits to 84 households or more over a two-year period. Consumers of electricity in Frederick County will gain important information through this project that will reduce consumption, save money, and benefit the environment. Project outcomes will be tracked and included in reduction strategies associated with the county's greenhouse gas emissions inventory.

Future Directions

Prospective projects currently being researched

Clean Energy Loan Program (CELP)

The OES in partnership with the Sustainability Commission is exploring the feasibility of a ***Clean Energy Loan Program (CELP)*** for Frederick County. CELP would provide financing for homeowners and businesses to make energy efficiency retrofits and install renewable energy systems. Property assessed financing helps overcome two obstacles faced by residential or small commercial property owners interested in major retrofits or renewable energy systems; namely, high up-front costs and concern about recouping investment upon sale of their residential or small commercial property. This loan program would be administered by the Maryland Clean Energy Center. Loans are associated with the property, not the individual(s). Loans are paid back by property owners through the property tax mechanism. In turn, Frederick County would make payments back to the Maryland Clean Energy Center loan program. When properties are sold, the loan transfers with the property and new owners will continue to pay on the loans through their property taxes.